

The Hillyfield

Appeals

3140928 - Prior Notification Decision 1 (PND1)

3146596 - Enforcement Notice 1 (EN1)

3146597 - Enforcement Notice 2 (EN2)

3168180 - Prior Notification Decision 2 (PND2)

3191100 - Refusal of Planning Permission 1 (RPP1)

Proof of Evidence by James Shorten

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1. Summary

1.1. The site

- The majority of the site is woodland (11.8ha), with a smaller amount of agricultural land (8ha).
- The woodland is being actively managed and worked by the owner's forestry enterprise, and the majority of the agricultural land is tenanted out and grazed.
- The site is also in a National Park - Dartmoor National Park (DNP), where the Local Planning Authority (LPA) is Dartmoor National Park Authority (DNPA).
- In addition to the main activities of forestry and agriculture on the holding, a small amount of educational and recreational activities also take place. Educational and recreational activities are seen as of particular importance in National Parks.

1.2. Legislation

- National parks have two **purposes**, as most recently defined in the Environment Act 1995 (which also defines the **duty**). They are:
 - *(a) conserving and enhancing the natural beauty, wildlife and cultural heritage of the areas specified in the next following subsection; and*
 - *(b) of promoting opportunities for the understanding and enjoyment of the special qualities of those areas by the public.*
- National Park Authorities are also under a **duty** to:
 - *... seek to foster the economic and social well-being of local communities within the National Park and shall for that purpose co-operate with local authorities and public bodies whose functions include the promotion of economic or social development within the area of the National Park.*

1.3. National & Local Policy

National Parks

- Relevant national policy includes:
 - The National Planning Policy Framework
 - English National Parks and the Broads UK Government Vision and Circular
 - 25 Year Environment Plan.

Forestry

- Other relevant national policy includes:
 - UK Forestry Standard.

1.4. Local Policy

Core Strategy

- Relevant policies include:
 - COR1
 - COR2
 - COR3
 - COR20.

Development Management and Delivery Development Plan Document

- Relevant policies include:
 - DMD1a
 - DMD1b
 - DMD3
 - DMD5
 - DMD14
 - DMD31.

Dartmoor National Park Management Plan

- The Dartmoor National Park Management Plan 2007 – 2012 (2007) attaches great importance to Dartmoor's woodlands, their sustainable management, and importance to the local economy and experience of visitors and locals.

1.5. Site Management & Enterprises

- The Hillyfield is managed to provide ecological, economic and wider community benefits
- Since 2010 the woodland areas have been brought into active management, working to a Forestry Commission approved Woodland Management Plan
- The Hillyfield is a successful example of turning the tide of neglect and attempting to bring this important natural resource back into active and sustainable management for the benefit of the environment, rural economy, and landscape character
- Volunteers have contributed an enormous number of hours work over the last seven years
- The challenges of small-woodland regeneration and Ancient Woodland restoration are significant, and the investment required is high, both in labour and money. Grant support has been an essential contribution
- Woodland products are hardwood and softwood timber grown on site, either used in the round or as 'added value products' through primary processing
- The economics of small-woodland restoration requires the woodland owner to add value wherever possible to timber grown on site and take advantage of other opportunities so as to be able to afford the investment required to bring the woodland back into active and sustainable management
- There is an established strong community network who purchase local timber products from The Hillyfield and come to enjoy activities on the land.

1.6. Prior Notification Appeal 1 – 3140928

- A Prior Notification (0259/15) was submitted for determination on 22 May 2015 for the erection of two barns for forestry purposes at The Hillyfield. The first barn was intended as a machinery and tool store (14.3 x 13.6 x 6.45 m), and the second, an open fronted barn, for the storage and drying of processed timber (24.4 x 7.9 x 5.8m)
- The applicant supplied documents to the LPA setting out the advice of Guy Watt (a chartered forester of considerable experience and director at John Clegg Consulting Ltd.) that the barns were reasonably necessary for forestry
- The holding is used for the purposes of forestry. Thus it benefits from permitted development rights under Class E. Mr King-Smith's own evidence, and that of his experienced and credible forestry advisors, plainly lay out the reasonable necessity for the buildings for the storage of machinery and processed timber. These reasons include, for the machinery store:
 - the size and quantity of machinery and equipment required
 - protection from the extremes of weather experienced on Dartmoor
 - the need to ensure machinery is maintained in good working order
 - the need to prevent rapid deterioration or unreliability, both of which have impacts on the viability of the holding
 - the need for security of valuable equipment
 - the health and safety issues of unsecured machinery.
- And for the timber storage barn:
 - to prevent its deterioration
 - allow it to be marketable
 - allow it to be sold at a reasonable profit.
- It is our conclusion that there is a clear reasonable necessity for the two buildings which were the subject of the Prior Notification, despite the various points put forward by the LPA, and that deemed consent is now in place, the LPA having failed to request details of siting, design and appearance within 28 days.

1.7. Enforcement Appeal 1 – 3146596

Ground a)

Mixed use – education and recreation

- All of the activities currently and previously having taken place at the Hillyfield appear to be entirely in line with those expected and supported by National planning policy and the Development Plan, the Management Plan for the National Park, and other important closely related documents such as the UK Forestry Strategy
- The majority of recreational activities on the holding, and all of the educational activities, are directly related to the use of the holding for forestry and agriculture. Rather than being contrary to policy, such activities are directly supported by both legislation and policy
- All activities on the Hillyfield, including those attacked by the notices, make a strong and significant contribution to the natural beauty and ecology of the National Park

- The Hillyfield is also a model of sustainable development, where an innovative, ambitious and generous enterprise has shown that the management of mixed woodland on difficult terrain can be environmentally, socially and economically sustainable, and contribute positively to the challenges of climate change, in line with the aspirations of the 2010 Circular, the UK Forestry Strategy, and Dartmoor's own Management Plan
- The activities at The Hillyfield also satisfy the requirements of policies COR1, COR2, DMD1a, DMD1b, DMD5, DMD14 and DMD31
- Should it be found that the existing level of recreational and educational activities at The Hillyfield are sufficient to constitute a change of use, it would seem sensible that the majority of recreational uses should be linked to the forestry and agricultural use of the site, and that the overall number of days on which such uses could occur would be limited.

Mixed use - residential

- There is no full time residential use of the site by a single household – no C3 use. The only residential use made of the site is by forestry workers, some of whom live on site whilst working there, and then move on when this work ceases
- The yurt is erected when needed for the accommodation of forestry workers some of the time. The caravans are used for the accommodation of forestry workers, and as for the yurt, are only used for sleeping space as the kitchen and welfare facilities used by workers on site are to be found in other structures
- The use of the caravans and yurt is therefore more akin to hostel dormitories than dwellings
- The caravans and the yurt do not cause unacceptable landscape harm. The accommodation of forestry workers on site also directly facilitates the forestry enterprise which directly enhances the special qualities of the National Park and public understanding and enjoyment of them
- A straightforward means of ensuring that the use of the caravans and yurt remains as described above would be a condition requiring the keeping of a register of all occupants of the caravans, as Mr King-Smith has already done, and requiring that the caravans are not their principal residence.

Mixed use – lorry body, field kitchen & covered workspace

- Should the holding be found to be in a mixed-use, then the lorry body, field kitchen and covered workspace should be found to be acceptable components of this mixed use.

Fall back positions

- There are two fall back positions:
 - Use of caravans by forestry workers under the Caravans Act
 - Use of Caravans for Welfare and Storage.

Ground c)

Mixed use - recreation, and the running of courses and activities available to the public, with or without payment

- The use of the site for educational purposes has never exceeded 28 days, including set up and pack down
- There are, in addition, approximately 2-4 days of recreational events ancillary to forestry per year, and 3-5 days of recreational events not ancillary to forestry per year.

Ground d)

Lorry body

- The lorry bodies are in fact one lorry body and one entire lorry. Mr King-Smith's proof documents that the lorry body has been on site for more than 10 years – since 2006.

Field kitchen

- Mr King-Smith's proof documents that the field kitchen has been on site in its current position since 2011.

Ground g)

- A timescale of 12 months is necessary in order to allow all the infected larch at the Hillyfield to be felled, as per SPHN orders, extracted from the hillside and processed, and to re-plant the areas affected by disease.

1.8. Enforcement Appeal – 3146597

Ground a)

Barns

- There is a reasonable necessity for buildings for the storage tools and machinery and the storage and drying of firewood and processed timber on the holding
- Mr King Smith is clear that should the appeal concerning the prior notification for the two new barns within the quarry for forestry use succeed then these two temporary barns will be removed
- The buildings are sited in the quarry, which is the least intrusive location available as Lyndis Cole's proof confirms
- All relevant policies therefore are satisfied.

Compost toilets

- The two structures used as compost toilets are in daily incidental use in connection with both the forestry and agricultural uses of the site. They are small, unobtrusive and inoffensive constructions of natural materials which raise no landscape impact issues of any significance
- All relevant policies therefore are satisfied.

Timber platform

- The timber platform is a small structure, from time to time used for the siting of a yurt to provide accommodation on site for forestry workers. No landscape impact issues of any significance arise from the erection of this structure
- All relevant policies therefore are satisfied.

Ground d)

Compost toilets

- Mr King-Smith's proof documents that the compost toilets have been on site since May 2011.

Yurt platform

- Mr King-Smith's proof documents that the yurt platform has been on site before since June 2011.

Ground g)

- A timescale of 12 months is necessary in order to allow all the infected larch at the Hillyfield to be felled, as per SPHN orders, extracted from the hillside and processed, and to re-plant the areas affected by disease.

1.9. Prior Notification Appeal 2 – 3168180

- A Prior Notification (0001/17) was submitted for determination on 22 December 2017 for the erection of one building for forestry purposes at The Hillyfield. The barn measures 20m x 8m and is made up of a covered workspace with an open front (11m x 8m), a smaller workspace with two doors (4m x 8m) and a welfare area for workers on site (5m x 8m)
- The reasonable necessity for the buildings was succinctly laid out in the application
- The Hillyfield benefits from an unusual business model which eschews intensive, mechanised management of the woods in favour of continuous cover management utilising lighter machinery, horses and manpower
- The covered workspace is a place to work under cover, especially during very foul weather. It will be used (as the current one is) as a central space and meeting space for working groups, both volunteer residential workers and during volunteer days
- The welfare room is needed to provide for the needs of volunteer workers and other workers on site
- The European Commission have published a guide to Protecting Health and Safety for Workers in Agriculture, Livestock Farming, Horticulture and Forestry. Provision of welfare facilities is a requirement, not a luxury, for forestry workers
- As for the covered workspace the welfare room is intended to replace a slightly larger existing facility (7.7m x 7.6m in size), located in nearby pasture
- The approved hardstanding in the pasture is the ideal location for both the covered workspace and welfare room
- It is our conclusion that there is a clear reasonable necessity for the building which was the subject of the Prior Notification, despite the various points put forward by the LPA, and that deemed consent is now in place, the LPA having failed to request details of siting, design and appearance within 28 days.

1.10. Refusal of Planning Permission – 3191100

- The application (0438/17), validated on 5th September 2017 was for a barn of 160m² identical to that applied for under application 0001/17 with the exception that the roofline has been raised by 0.5m to allow for the provision of two four bed dormitories in the roofspace and a simple shower and wash room
- It is the addition of this space for the accommodation of volunteer workers which gave rise to the need to apply for full planning permission
- The reasonable necessity for the buildings was succinctly laid out in the application
- The Hillyfield benefits from an unusual business model which eschews intensive, mechanised management of the woods in favour of continuous cover management utilising lighter machinery, horses and manpower
- The covered workspace is a place to work under cover, especially during very foul weather. It will be used (as the current one is) as a central space and

meeting space for working groups, both volunteer residential workers and during volunteer days

- The welfare room is needed to provide for the needs of volunteer workers and other workers on site
- The European Commission have published a guide to Protecting Health and Safety for Workers in Agriculture, Livestock Farming, Horticulture and Forestry. Provision of welfare facilities is a requirement, not a luxury, for forestry workers
- As for the covered workspace the welfare room is intended to replace a slightly larger existing facility (7.7m x 7.6m in size), located in nearby pasture
- Many of the volunteers working on site do so for periods of several days, weeks or even longer. They therefore need somewhere to stay overnight. They would make use of the kitchen in the welfare room and existing compost toilets, therefore the only additional facilities required are somewhere to sleep and wash
- In exchange for their labour The Hillyfield has to take care of volunteer workers – meeting their needs for food and shelter. This is a globally established model as found in schemes such as WOOOF (<http://www.woof.org.uk/>) and Workaway (www.workaway.info). Both are highly successful in providing valuable experience and training for volunteers and work for hosts. Volunteers expect to stay for free
- A suitable condition to ensure the hostel-type use of the sleeping accommodation could include the requirement for keeping a register of occupants and that the accommodation would not be used as their principal residence
- This building will replace the covered workspace, field kitchen, and caravans currently on site, which would be removed once the building was completed
- The approved hardstanding in the pasture is the ideal location for both the covered workspace, welfare room and sleeping accommodation
- Policies DMD5 and DMD34 are of greatest relevance. DNPA also draw on COR1, COR3 and COR8. All are satisfied by the proposals
- Foul drainage is required for grey water only – from the kitchen and shower room. It was stated in the Planning Statement that: *There is an existing compost toilet for faeces and urine. Grey water from the kitchen sink and shower room will be processed via a horizontal reed bed system to the south of the building*
- This is an appropriate low impact solution for such a site.

1.11. Concluding Remarks

- England's National Parks are IUCN Category 5 Protected Landscapes
- Category 5 Protected Landscapes are the product of interaction between the environment and humans, and therefore that their reproduction requires socioeconomic activity
- The National Park purposes reflect this, as does the Duty. These are matters of legislation not policy
- Against this background, as attested by Lyndis Cole, Stephen Lees, Guy Watt, and evidenced in the numerous awards and plaudits received by Mr King-Smith / the holding, The Hillyfield appears as an extemporary case for low impact and traditional woodland management, landscape restoration, support for biodiversity and biocapacity, building the local economy, community engagement and participation, wider education linked to the practices on site, and dissemination of good practice and innovation

- The question, then, is why DNPA appear to be so obstinately opposed to the management approach at The Hillyfield and what is required to support it, key elements of the woodland enterprise (chiefly adding value), and other ancillary and incidental activities which are clearly well related to forestry and agriculture and directly further the second Purpose and the Duty
- The considerable benefits of the totality of the current and envisaged management approaches are already very evident. In addition, the modest educational and recreational activities on site are entirely complementary and innocuous
- The NPA's primary concerns appear to be of landscape harm, which seem to be both highly exaggerated and also narrow in that they consistently fail to take into account the landscape benefits of the management of the holding as a whole, which is clearly a material consideration
- Further, their conception of the reasonable necessity for development on site is based on generalisation and apparent rules of thumb, rather than being based on the specific needs of the holding and the practices engaged there
- The principal issues before the Inspector are:
 - whether a machinery store and wood drying barn are reasonably necessary for the purposes of forestry at The Hillyfield
 - whether a covered workspace and welfare facilities are reasonably necessary for the purposes of forestry at The Hillyfield, or otherwise merit planning consent
 - whether sleeping accommodation for volunteers working at The Hillyfield merits planning consent
 - whether compost toilets for all users of The Hillyfield either merit planning consent or are immune from enforcement action
- As rehearsed at length above, the management and enterprise at The Hillyfield are not normal or average – they are exceptional, and in that respect unusual, even extemporary
- On this basis we suggest that there is ample support and justification for the Inspector to:
 - find that the machinery store and wood drying barn are reasonably necessary for the purposes of forestry at The Hillyfield
 - find that a covered workspace and welfare facilities are reasonably necessary for the purposes of forestry at The Hillyfield, and that sleeping accommodation for volunteers working at The Hillyfield, properly controlled by condition, merits planning consent, and therefore to grant consent for the multi purpose building, requiring removal of all replaced structures
 - that the compost toilets are immune from enforcement action and will remain
- We respectfully ask the Inspector to agree.

2. Introduction

2.1. Qualifications & Experience

- 2.1.1 My name is James Shorten. I hold a BSC in Geography (Durham) and an MSc in Town & Country Planning (Reading), and have been qualified to join the RTPI since 1992 but have chosen not to become a Member thus far. My planning career has spanned campaigning, working as a senior lecturer at the UWE Planning School, undertaking extensive research on rural planning whilst at UWE and then at Landuse Consultants. Most recently I have undertaken research and planning casework through Geo, a company I have founded. Throughout my career I have focused on rural planning, and in particular the relationship between sustainable development and the planning system.
- 2.1.2 Of particular relevance to this set of appeals, I was the leader of the Welsh Government's review of Welsh National Parks in 2004 / 05 and main author of the associated report, was the joint author of the National Park Management Plan Guidance for both England and Wales, have worked extensively in the Lake District, and have most recently undertaken a number of planning applications on Exmoor, including those for Phase IIA of the Lynton and Barnstable Railway, which comprise the largest planning proposals ever to be made in that National Park.
- 2.1.3 I therefore consider myself to have expertise in both rural planning and specifically planning in National Parks and a wider understanding of the purposes and management of protected landscapes.

2.2. Involvement in the Case and Knowledge of Site

- 2.2.1 I have been advising Mr King-Smith since December 2015, on planning matters in general and National Parks in particular.
- 2.2.2 I have visited The Hillyfield many times now and am fully familiar with the features of the site, the applications made, the matters with which the enforcement notices are concerned, and the site's locality.

3. Legislative & Policy Context

3.1.1 Legislation and policy extracts are contained in the separate document *Relevant Policies*.

3.2. Core Issues

3.2.1 The majority of the site is woodland (11.8ha), with a smaller amount of agricultural land (8ha). The woodland is being actively managed and worked by the owner's forestry enterprise, and the majority of the agricultural land is tenanted out and grazed. There are also small scale agricultural activities linked to the forestry enterprise. These are all activities entirely in keeping with a countryside location.

3.2.2 The site is also in a National Park - Dartmoor National Park (DNP), where the Local Planning Authority (LPA) is Dartmoor National Park Authority (DNPA). National Parks are protected landscapes, with heightened policy protection for landscape and the other special qualities of the Park. Notwithstanding this, National Parks are also places where the working and management of woods, and small scale agriculture are entirely in keeping with the Park designation, and are arguably essential for the reproduction of the protected landscape.

3.2.3 In addition to the main activities of forestry and agriculture on the holding, a small amount of educational and recreational activities also take place. Educational and recreational activities are seen as of particular importance in National Parks.

3.3. Legislation – National Parks

3.3.1 National parks have two **purposes**, as most recently defined in the Environment Act 1995 (which also defines the **duty** and **Sandford Principle**). They are:

(a) conserving and enhancing the natural beauty, wildlife and cultural heritage of the areas specified in the next following subsection; and

(b) of promoting opportunities for the understanding and enjoyment of the special qualities of those areas by the public.

3.3.2 The attributes defined under the first purpose are collectively known as the '*special qualities*' which are the subject of the second purpose. Thus, National Parks are defined because of their special qualities and in order that the public may understand and enjoy them, principally through open air recreation. In addition, all relevant authorities must have regard to National Park purposes when coming to decisions or carrying out their duties.

3.3.3 Under the **Sandford Principle**, should the two purposes come into irreconcilable conflict, conserving and enhancing the natural beauty, wildlife and cultural heritage must be given priority.

3.3.4 National Park Authorities are also under a **duty** to:

... seek to foster the economic and social well-being of local communities within the National Park and shall for that purpose co-operate with local authorities and public bodies whose functions include the promotion of economic or social development within the area of the National Park.

3.3.5 The consideration of planning matters in National Parks is, therefore, not just a matter of policy but also has a basis in legislation.

3.4. National & Local Policy

National Parks

National Planning Policy Framework

- 3.4.1 The **National Planning Policy Framework** gives brief but clear guidance on National Parks:

115. Great weight should be given to conserving 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 landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.

English National Parks and the Broads UK Government Vision and Circular

- 3.4.2 The **English National Parks and the Broads UK Government Vision and Circular 2010** also remains in force, and provides far more detail. Its Vision is as follows:

Vision for the English National Parks and the Broads By 2030 English National Parks and the Broads will be places where:

There are thriving, living, working landscapes notable for their natural beauty and cultural heritage. They inspire visitors and local communities to live within environmental limits and to tackle climate change. The wide-range of services they provide (from clean water to sustainable food) are in good condition and valued by society.

Sustainable development can be seen in action. The communities of the Parks take an active part in decisions about their future. They are known for having been pivotal in the transformation to a low carbon society and sustainable living. Renewable energy, sustainable agriculture, low carbon transport and travel and healthy, prosperous communities have long been the norm.

Wildlife flourishes and habitats are maintained, restored and expanded and linked effectively to other ecological networks. Woodland cover has increased and all woodlands are sustainably managed, with the right trees in the right places. Landscapes and habitats are managed to create resilience and enable adaptation.

Everyone can discover the rich variety of England's natural and historic environment, and have the chance to value them as places for escape, adventure, enjoyment, inspiration and reflection, and a source of national pride and identity. They will be recognised as fundamental to our prosperity and well-being.

- 3.4.3 I will return to this in detail later however would draw attention to the following statements in passing now:

- There are thriving, living, working landscapes...
- Woodland cover has increased and all woodlands are sustainably managed, with the right trees in the right places.
- Everyone can discover the rich variety of England's natural and historic environment, and have the chance to value them as places for escape, adventure, enjoyment, inspiration and reflection, and a source of national pride and identity.

- 3.4.4 Under **Conserving and enhancing the natural beauty, wildlife and cultural heritage of the Parks** the Circular goes on:

20. ... The Parks represent an important contribution to the cultural and natural heritage of the nation. The Parks are living and working landscapes and over the centuries their natural beauty has been influenced by human activity such as farming and land management activities

21. In developing and implementing policies for the planning and management of their areas, Authorities should document and clearly express the special qualities of the Park and the status and condition of these qualities. Authorities are expected to continue to seek to ensure the conservation of the natural beauty of the area for which they are responsible. In meeting the conservation purpose, Authorities are expected to work closely with landowners and land managers and with all appropriate bodies including central and local Government and the key public bodies described in Annex A.

3.4.5 Under Promoting opportunities for the understanding and enjoyment of the special qualities of the Parks by the public the Circular goes on:

Large numbers of people visit and learn about the Parks every year, drawn by their landscapes, the chance to escape day to day pressures and above all, to experience the sense of freedom, peace, adventure and enrichment which generations have enjoyed since the Parks were first established. No two Parks are the same and the Government looks to individual Authorities to identify the special qualities of their Park, including those associated with their cultural heritage, wide open spaces, coastlines, the sense of relative wildness and tranquillity, and the dark night skies that Parks offer. Authorities should produce and promote educational and recreational strategies which are best suited to these special qualities, to enable residents and visitors to learn about what makes a Park special, to encourage wider action on sustainable living and make a personal connection.

3.4.6 Under Sustainable Development the Circular goes on:

28. ... The Authorities' primary responsibility is to deliver their statutory purposes. In doing so, they should ensure they are exemplars in achieving sustainable development, helping rural communities in particular to thrive. Such models can offer wider application to other areas beyond the Park boundaries, and Authorities are encouraged to disseminate their experience to other rural authorities. For example, through the use of resources such as the Sustainable Development Fund, the Authorities have piloted initiatives which have tested new approaches and, in doing so, they have become examples of best practice.

29. Sustainable development is about ensuring a better quality of life for everyone, both now and for generations to come. Within the Parks, conserving and enhancing the landscape, biodiversity, cultural heritage, dark skies and natural resources, and promoting public understanding and enjoyment of these should lie at the very heart of developing a strong economy and sustaining thriving local communities.

30. The Parks provide some of the best quality 'green infrastructure' – the interconnected network of parks, woods, waterways, and other types of green space that acts as one of the life-support systems for our towns, cities and rural areas. This helps create a healthy environment for people, communities and businesses, improving air and water quality, reducing ill-health. Effective management of land in the Parks helps to mitigate and combat the effects of climate change, including flooding. The Parks are important as models of sustainable development and are important in allowing society to experience sustainable development in practice.

3.4.7 Under Mitigating climate change: leading the way the Circular goes on:

44. The Authorities should lead the way in sustainable land management to prevent further carbon loss from soils and to encourage carbon storage in trees and fens. The deep peat soils which are out of condition should be restored. Woodlands should be managed to increase their contribution to climate change mitigation through either sequestration in growing biomass or through wood and timber produced from the woodlands substituting for fossil fuels and more energy intensive construction materials. The Authorities should use their influence to encourage farming practices which reduce emissions, such as lower fertilizer use.

45. *Trees, woods and forests store carbon and can help to reduce the worst effects of a changing climate in rural and urban environments. They also provide biodiversity benefits, are places for outdoor recreation and are a source of woodfuel and timber. Planting rates in England have declined over recent years and there is an urgent need to reverse this decline and deliver a significant increase in woodland created. Authorities are expected to support the Government's policy of the "right tree in the right place" and to contribute towards a step-change in planting rates in England by working with the Forestry Commission, landowners and managers, local communities, woodland businesses and voluntary groups to improve the management of existing woodlands and to increase woodland cover.*

3.4.8 Under **Improving public understanding of the natural environment and the benefits of outdoor recreation** the Circular goes on:

61. *The Authorities should make the most of visitors they receive to increase understanding of the natural environment, promote healthy outdoor recreation and inspire lifestyle choices that support a diverse and healthy natural environment. In particular, children have less contact with nature now than at any time in the past. Contact with nature improves children's concentration and self discipline, and playing in a natural environment improves their social, mental and physical development. People who spend time in the natural environment as a child are more likely to continue visiting it as an adult and more likely to value these places and the many benefits they offer.*

3.4.9 Under to **Foster and maintain vibrant, healthy and productive living and working communities** the Circular goes on:

64. *The Parks are the homes and workplaces of many thousands of people. Local communities have helped shape our Parks and continue to play a major role in securing Park purposes. Conserving and enhancing natural beauty, wildlife and cultural heritage and supporting vibrant, healthy and productive living and working communities need not necessarily be in conflict. Resident communities will be keenly aware of the special value of their own locality and should be encouraged to take an increasingly active role in decision making.*

68. *The communities of our Parks are an absolutely critical ingredient to the sustainability of the Parks themselves. The Parks have not been designated as wilderness parks; their communities are a fundamental part of their character. The Authorities must ensure that, in their work furthering Park purposes, they give sufficient weight to socio-economic interests in order to fulfil their duties appropriately to sustain strong communities drawing, amongst other things, on the good work already undertaken and their shared aspiration to support thriving rural communities.*

71. *Authorities need to think carefully about whether, and if so how they might use their own resources to this end. Whilst the likely scale of any available funds would be relatively insignificant if used for mainstream support, use of small amounts of seed corn funding can be effective. Overall however, the Authorities should be clear that meeting the requirements of Planning Policy Statement 4 in fostering appropriate socio-economic development within the Parks will not depend solely on their relatively small scale financial resources, but also in recognising that they do have a wider range of tools and resources available.*

75. *Authorities therefore need to consider carefully how best to act proactively to support appropriate development and seek to foster economic activity which will strengthen the sustainability of Park communities and businesses.*

Forestry

UK Forestry Standard

- 3.4.10 The UK Forestry Standard (2011) is also of direct relevance. It is the reference standard for sustainable forest management in the UK. Its focus is sustainable forest management. This involves *'ensuring that the production of all forest and woodland benefits is maintained over the long term. This is achieved when the environmental, economic and social functions of forests and woodlands are interacting in support of each other'* as illustrated by Figure 1 taken from the Strategy.

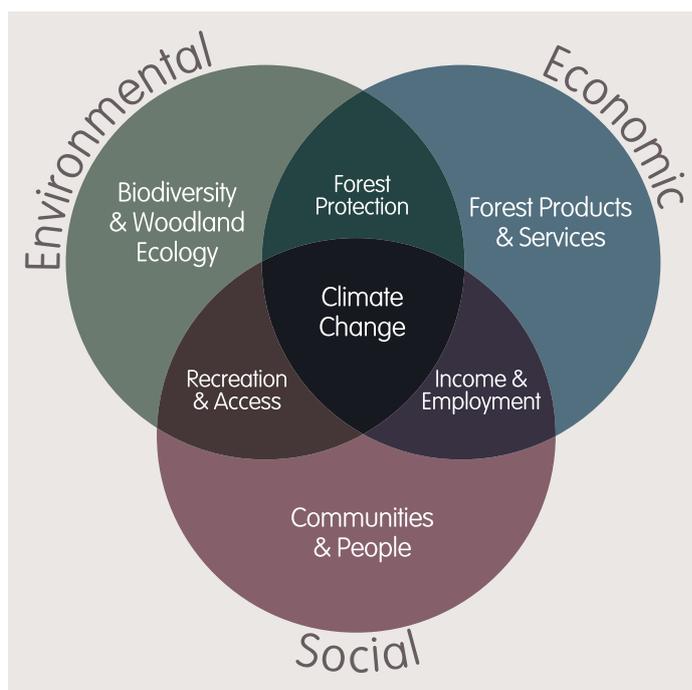


Figure 1 Diagram from the UK Forestry Standard

- 3.4.11 The Strategy then expands upon this across the following themes:
- Biodiversity and woodland ecology
 - Forest protection
 - Forest products and services
 - Income and employment
 - Communities and people
 - Recreation and access.

25 Year Environment Plan

- 3.4.12 *A Green Future: Our 25 Year Plan to Improve the Environment* was published in January 2018. It covers forestry at length, including the section *Focusing on woodland to maximise its many benefits* which targets increasing tree planting, working with industry and support Grown in Britain to increase the amount of home grown timber used in England in construction timber, and supporting increased protection of existing trees and forests, including ensuring stronger protection for ancient woodlands, and making sure they are sustainably managed to provide a wide range of social, environmental, societal and economic benefits.

3.5. Local Policy

Core Strategy

- 3.5.1 The DNPA Local Development Framework Core Strategy Development Plan Document 2006 – 2026 was adopted in 2008. It includes in its Core Strategic Aims:

Farming

To assist in sustaining viable farming and forestry systems as a vital element in the local economy particularly in ways that further the purposes of National Park designation.

- 3.5.2 Its policies begin with policies COR1 and COR2, the relevant passages of which are extracted below.

Policy COR1

In order to ensure that development within the Dartmoor National Park is undertaken in a sustainable manner, the following considerations should be taken into account:

- a) the need to make efficient use of land and infrastructure;*
- d) support for the socio-economic vitality of the National Park;*
- e) the conservation of the quality and quantity of natural resources including water, air, soils, geodiversity and biodiversity;*
- h) respect for and enhancement of the character, quality and tranquillity of local landscapes and the wider countryside;*

...

Policy COR2

Spatial development within the Dartmoor National Park is based on the following principles:

(iii) Outside the Local Centres and Rural Settlements of the National Park, development will be acceptable in principle if it:

- a) is necessary to meet the proven needs of farming, including farm diversification and forestry, and other enterprises with an essential requirement to locate in the open countryside; or*
- d) is small scale development for the growth of existing businesses; or*
- f) is development needed to promote National Park purposes.*

- 3.5.3 COR3 is also quoted in the Reasons for Refusal for appeal 3191100:

Policy COR3

Development will conserve and enhance the characteristic landscapes and features that contribute to Dartmoor's special environmental qualities and in making an assessment of development particular regard will be had to:

- *underlying geology and watercourses, river corridors and wetlands;*
- *moor and heath;*
- *woodlands, trees and orchards;*
- *wildlife habitats;*
- *field boundaries;*
- *settlements, roads and lanes;*
- *historic and archaeological landscapes, features and artefacts; and*
- *vernacular and other historic buildings and traditional man-made features.*

- 3.5.4 Under the heading Agricultural diversification (5.12.6) it states that ‘*Farming is the principal land use in the Dartmoor National Park and is vital to sustain its special qualities. Forestry also plays a part in maintaining features that add variety, colour and texture to the landscape.*’ however policy COR20 only deals with farm diversification.

Development Management and Delivery Development Plan Document

- 3.5.5 The **Dartmoor Development Management and Delivery Development Plan Document (DMD) (2013)** contains their more detailed development management policies. Those of greatest relevance are extracted below.
- 3.5.6 Polices DMD1a and DMD1b reinforce the national presumption in favour of sustainable development and the Park purposes on duty.

Policy DMD1a: Presumption in favour of sustainable development

When considering development proposals the Authority will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

Where there are no policies relevant to the application, or relevant policies are out of date at the time of making the decision, then the Authority will grant permission unless material considerations indicate otherwise- taking into account whether:

any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or

specific policies in that Framework indicate that development should be restricted.

Policy DMD1b: Delivering National Park purposes and protecting Dartmoor National Park’s special qualities

Within Dartmoor National Park, the conservation and enhancement of the natural beauty, wildlife and cultural heritage will be given priority over other considerations in the determination of development proposals. Development will only be provided for where it would:

a) conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park; or

b) promote the understanding and enjoyment of the special qualities of the National Park; or

c) foster the social or economic well-being of the communities in the National Park provided that such development is compatible with the pursuit of National Park purposes. In all cases, development should not detract from, and where appropriate enhance, the special qualities of the National Park.

- 3.5.7 DMD3 is quoted in the Reasons for Refusal for appeal 3191100, and addresses ‘*Sustaining the quality of places in Dartmoor National Park*’. It mostly addresses development in built up areas, the only criterion appearing to be of relevance being:

Policy DMD3: Sustaining the quality of places in Dartmoor National Park

Development proposals should help to sustain good quality places in Dartmoor National Park by:

responding to and reinforcing locally distinctive patterns of development, landscape and cultural heritage;

3.5.8 DMD5 specifically addresses the landscape of the Park.

Policy DMD5: Protecting the character of Dartmoor's landscape

Development proposals should conserve and/or enhance the character and special qualities of the Dartmoor landscape by:

- respecting the valued attributes of landscape character types identified in the Dartmoor National Park Landscape Character Assessment;
- ensuring that location, site layout, scale and design conserves and/or enhances what is special or locally distinctive about landscape character;
- retaining, integrating or enhancing distinctive local natural, semi-natural or cultural features;
- avoiding unsympathetic development that will harm the wider landscape or introduce or increase light pollution;
- respecting the tranquillity and sense of remoteness of Dartmoor.

3.5.9 Policy DMD14 addresses conservation of the natural environment.

Policy DMD14: Natural environment, biodiversity and geodiversity

Development proposals will conserve, enhance and/or restore biodiversity and geodiversity within Dartmoor National Park by:

- *providing Special Areas of Conservation with the highest level of protection and enhancement;*
- *furthering the conservation and enhancement of nationally protected sites, habitats and species;*
- *conserving, enhancing or restoring priority habitats, species and geodiversity assets identified in the Dartmoor Biodiversity Action Plan;*
- *protecting and where appropriate enhancing other defined sites, features, habitats, species or networks or natural processes of ecological or geological importance;*
- *ensuring that effective avoidance or on-site mitigation measures are put in place where there may be an adverse effect on biodiversity or geodiversity interests. In rare cases, off-site compensation may be feasible and acceptable. There should be no net loss of biodiversity or geodiversity as a result of development.*

3.5.10 Also of relevance, DMD31 addresses recreation and leisure facilities.

Policy DMD31: Provision of new recreational and leisure facilities

Planning permission for recreational development will be granted where development is:

(i) to provide or improve information or interpretation services based on promotion of education or enjoyment of the special qualities of the National Park; or

(ii) for small scale enterprises based on the intrinsic qualities of the National Park or the improvement or extension of existing permitted visitor facilities; or

(iii) for the provision or improvement of indoor and outdoor recreation, leisure and sports facilities serving the needs of local communities within the National Park where those facilities are well related to the settlement they are intended to serve and are accessible; or

(iv) to establish footpaths, community paths or other recreational routes across the countryside.

Proposals should conserve or enhance landscape character including views from publicly accessible locations and the biodiversity, geodiversity and cultural heritage qualities of the locality. Planning agreements will be needed for the on-going management of recreation, leisure or sports facilities provided as part of new development.

- 3.5.11 Last, DMD34 addresses development for agricultural and forestry businesses.

Policy DMD34: Agricultural, forestry and rural business related development

Agricultural, forestry and other rural enterprise related non-residential development will be permitted where the proposal complies with the following criteria:

- (i) there is a demonstrable need that is proportionate to the use of the land;*
- (ii) it relates well to local landscape features and other building groups;*
- (iii) it is located and oriented with respect to local topography so as to reduce intrusive effects;*
- (iv) it demonstrates a scale and form that is well related to its function;*
- (v) it will not cause unacceptable harm to biodiversity, geodiversity and archaeological and cultural heritage assets, natural drainage or soil stability;*
- (vi) efficient use is made of existing buildings;*
- (vii) existing non-traditional structures made redundant by the proposed development are removed.*

A condition will be attached to any permission for a new building requiring it to be removed if it becomes redundant for its original purpose and there is no other acceptable use. Power and telephone cables supplying the development should be placed underground.

Dartmoor National Park Management Plan

- 3.5.12 The Dartmoor National Park Management Plan 2007 – 2012 (2007) attaches great importance to Dartmoor's woodlands, their sustainable management, and importance to the local economy and experience of visitors and locals. The following extracts are taken from the various chapters of the Management Plan.

- 3.5.13 The first contribution identified for woodland in the park is their contribution to landscape.

Landscape

(There are...) Extensive ancient semi-natural woodlands in the river valleys interlink with small woodlands spreading out into the adjacent farmland.

Goals

L.G5: Existing broadleaf woodland cover, as identified in the 1997 Dartmoor Woodland Survey, will be retained; 100 hectares of new broadleaf woodland will be created

L.G6: All significant conifer plantations will benefit from management plans which seek to soften their boundaries and integrate them into the landscape

Means to achieve

L.M6: Woodlands

- New broadleaf woodland creation is encouraged through English Woodland Grant Schemes
- Management Plans / Forest Design Plans are prepared and implemented for all major conifer plantations, seeking to soften plantation boundaries, open up strategic views and enhance biodiversity and protection of archaeology

- Commercial conifer plantations are managed under a continuous cover regime where this brings clear benefits
- A review is undertaken of the relative carbon benefits of conifer plantations and unplanted peaty and organic soils (recognising that some plantations are planted over peaty soils)

3.5.14 The management plan then identifies the importance of woodlands to habitats and wildlife.

Habitats and wildlife

Goals

HW.G4: Remnant ancient woodland features within 75% of PAWS have been secured and 50% (350 hectares) of sites are in a programme of long-term restoration to semi-natural condition

Means to achieve

HW.M2: Tree and Woodland Management

- The number and distribution of veteran trees is better understood and voluntary agreements are considered for their protection and management
- Management plans for ancient semi-natural woodland (ASNW) look at each woodland in its entirety, identifying what management is needed to ensure a positive outcome, promoting functional and structural habitat connectivity
- Harvesting within ASNW is based on expert advice according to certification standards and respects the biodiversity, scale and cultural importance of ancient woodland
- Invasive species (plants and animals) are managed in woodlands in accordance with management plans
- Best practice is followed in the management of PAWS and the protection of the most fragile remnants of the original ancient woodland
- Within PAWS action is taken to control unwanted conifer and non-native broadleaf regeneration

3.5.15 Woodlands also identified as of importance for cultural distinctiveness and access.

Cultural distinctiveness

Traditional skills, developed over the centuries, such as thatching, stone and cob walling and woodland management have contributed much to Dartmoor's distinctive landscape; but these are in danger of being lost, or diffused.

Access for all

Such a recreation strategy would consider the role of gateways to Dartmoor, the potential future location and management of recreational car parks, and development of alternative transport modes, including the development of strategic links beyond the National Park boundary. The fundamental purpose would be to enhance visitor experience, support community needs both within and beyond the National Park, strengthen the local economy and enhance Dartmoor's environment. It would also explore improved access to woodlands and reservoir and river sites consistent with achieving biodiversity objectives.

3.5.16 Land management is an area of concern in the Park where woodland plays a vital role.

Land Management

Dartmoor is essentially a farmed environment, with three-quarters of its area available for grazing. Woodland makes up 11.7% of the National Park area of which one third is conifers and two thirds broadleaf, with extensive areas of predominantly broadleaf on the eastern side of the National Park. These broadleaf woodlands have the potential to make a greater contribution to the local economy.

The large areas of semi-natural woodland in the National Park were once managed, but decline in the demand for coppice products and cheap imports of softwood timber have reduced the economic incentives for traditional woodland management. Nevertheless, the situation is changing. Rise of the Far East economies has and will continue to have an effect on timber markets with improved prices for home-grown timber, and in the UK new markets will emerge through demands for woodfuel. Rejuvenation of the wood and timber markets will need to be directed to those woodlands where management will bring maximum benefits, as identified through woodland management plans, especially Plantations on Ancient Woodland Sites (PAWS).



Figure 2 – Image from Land Management Section of DNP Management Plan

Goals

LM.G5: 1,500 hectares of broadleaved woodland will be under active schemes of management in which woodland products are processed and marketed locally

Means to achieve

LM.M4 Stimulating and meeting market demand

- A marketing brand is developed and promoted as part of the Hill Farm Project that accredits land-based producers who are actively conserving Dartmoor's special qualities

- Initiatives are developed that promote the procurement of food, wood and other local produce by local businesses and public sector bodies in the south west of England
- Increasing use of wood fuel as a renewable energy source within the National Park is met from wood and forest residues harvested from Dartmoor's woodlands (consistent with woodland management plans)
- Woodland owners that are developing woodland products are encouraged to join an accreditation scheme such as the UK Woodland Assurance Scheme
- Markets are developed for traditional moorland ponies as conservation graziers and as children's ponies, thereby increasing economic incentives for the rearing of ponies on the moor

3.5.17 Last, the Management Plan also identifies the importance of woodlands to Energy:

(T0) Increased use of wood as a source of energy also offers positive opportunities to encourage appropriate woodland management.

3.5.18 There is also **A Woodland Strategy for Dartmoor National Park 2005 – 2010** which reinforces that expands many of these themes. It includes ambitions such as:

3.16 Woodland owned by the National Park Authority

The woodlands could be more frequently used as demonstration sites of best practice and as training facilities for woodland owners and workers. This could cover any combination of management topics from timber harvesting or biodiversity to archeological conservation or pest control.

3.17 Support for Woodland owners

A key component of this strategy will be to co-ordinate a range of support measures for all woodland owners which aim to maintain woodland capital values in the long term.

3.18 Support for the Forest Industry

Dartmoor is in partnership with South Devon and the Tamar Valley AONB to develop a local wood marketing project to promote the use of local timber and to assist producers and processors in the area. The 'Working the Woods' project will include setting up local Woodmeet groups....

There is a need to development employment opportunities, and develop skills across the sector. With falling profits and staff numbers, the industry has struggled

This strategy should assist the industry in maintaining a critical mass on Dartmoor, ensuring continuity of employment for contractors, reasonable access to timber and new market opportunities. These are essential for sustainable woodland management and long term habitat maintenance.

3.5.19 The State of the Park Report (2010) also understands the importance of good woodland management:

3.5.20 *Dartmoor has a rich cultural background. Many local traditions, cultures and skills have been maintained for centuries and they have helped shape the National Park as we see it today. Their continuation is essential in conserving and enhancing the special qualities of Dartmoor; they may include:*

- *traditional skills which affect the fabric of the National Park, for example thatching, stone walling, hedge laying, woodland management for charcoal making and coppice wood, common land management and animal husbandry.*

4. Site Location & Description

4.1. The Site

Description

- 4.1.1 The Hillyfield is an 18.03ha mixed agricultural holding on the southern periphery of Dartmoor National Park. It is in an agricultural area of small mixed farming and occasional hamlets, where the rolling green hills of the moorland margins are punctuated by steep sided narrow valleys with fast running streams and rivers flowing off of the moors. Woodlands are found mainly on the steep land in these valleys, as at Hillyfield. The area is within the designation 'severely disadvantaged area' on the 'Less Favoured Areas' Map of England used by the Rural Payments Agency and others.
- 4.1.2 The land lies south of the hamlet of Harbournford, and north of Marley Farm and White Oxen Manor. South Brent and Buckfastleigh are within walking distance, and it is directly connected to National Cycle Route #2. Dartmoor National Park boundary is 200m to the South, marked by the A38 dual-carriageway. Although not easily visible from the site it's noise carries clearly into the valley.
- 4.1.3 A legal access to the Hillyfield is across the driveway of 'Brooke Cottage', Harbournford. A new access to Hillyfield was granted planning permission from Drybridge Reservoir, about 300m from the A38 Rattery junction, and has subsequently been instated.
- 4.1.4 The holding is not prominent in the landscape from any public viewing points, though its higher margins can be fleetingly glimpsed from the A38 and through gateways in the surrounding lanes.
- 4.1.5 The 11.8 hectare woodland element of the holding runs along the steep sided slopes of the River Harbourne with rock features and significant climbs from 70m to 128m above sea level.
- 4.1.6 On the east facing slope lies the 4.26ha 'Hillyfield Plantation', a Plantation on Ancient Woodland Site (PAWS). This was largely felled and replanted with native coppice in 2013 by the current owner following a Statutory Plant Health Notice by the Forestry Commission (SPHN #11/00404/01). The felling and new planting has transformed a predominantly larch plantation into a mix of Douglas fir, oak stands and mixed native broadleaf, with a variety of native coppice areas. Hillyfield Plantation also includes 1.6ha of established mixed broadleaf woodland.
- 4.1.7 Also within the site, and managed together with Hillyfield Plantation, on the opposite valley slope is 'Tom's Brake', a 4.3ha semi-natural woodland including mixed plantation and mixed broadleaf, currently being cleared of larch and replanted due to a 2nd Forestry Commission notice (SPHN #13/00732/04).
- 4.1.8 The river valley bottom is an ecologically rich wet-woodland of alder and willow (with additional new planting of 125 willow stools for a short rotation coppice crop already yielding income and reduced flooding and erosion). This leads to the open level pastures downstream, which rise up to the east in two fields to the valley top. The southern edge of the holding has been newly planted with 2ha of mixed broadleaf woodland creating what is, despite the audible presence of the nearby A38, an attractive clearing in a wooded valley with no overlooking roads or developments.
- 4.1.9 A fuller description of the site is contained in Mr King-Smith's proof, Section 2.

5. Site Management & Enterprises

Forestry Enterprise & Management

Management

- 5.1.1 The Hillyfield is managed to provide ecological, economic and wider community benefits. Woodland management at The Hillyfield aims to support and enhance biodiversity whilst developing a viable woodland enterprise that stimulates and re-kindles a 'Culture of Wood' on Dartmoor.
- 5.1.2 Partly designated as Ancient Woodland, the Hillyfield has been managed for at least 450 years. Only in the past 35 years have the woods fallen into significant degradation, with little to no active management due to a failing woodland economy.
- 5.1.3 In partnership with Forestry Commission and Dartmoor National Park the current owner has completed work to remove significant laurel invasion and control bamboo and to address two Statutory Plant Health Notice (SPHN) notices requiring the felling of Japanese Larch.
- 5.1.4 Since 2010 the woodland areas have been brought into active management, working to a Forestry Commission approved Woodland Management Plan. This has been assisted by grant aid from EWGS funding and support from DEFRA through the RDPA Farm Improvement Scheme, contributing to a growing wood business selling timber products and firewood.
- 5.1.5 The planting schedule in the Woodland Management Plan at The Hillyfield was drawn up by Rupert Lane, who is a Chartered Forester and worked as senior woodland officer of Dartmoor National Park for 29 years.
- 5.1.6 Hillyfield is a typical example of a small-woodland in the UK. It has suffered significant neglect over the past 35+ years and certain features are in a critical condition. Before management recommenced in 2010 there was rampant infestation of invasive species that required considerable investment in time and resources to tackle. On top of the steeply sided valley terrain, the site had significantly challenged access to and within the woodland, and had suffered seriously from pests and disease. During the late 1970's large areas of Ancient Woodland had been removed and replanted as coniferous plantation by previous owners, and subsequently left without thinning or continued management.
- 5.1.7 This picture is similar for many of the small and unmanaged parcels of woodland throughout the UK, marginalized as less-productive land, often steep and rocky and difficult to access. Often then have been sold off separate to the main farm holdings which means that they do not benefit from the usual farm buildings and other structures which would have grown up to manage the agricultural and forestry use of the land as a whole.
- 5.1.8 The Hillyfield is a successful example of turning the tide of neglect and attempting to bring this important natural resource back into active and sustainable management for the benefit of the environment, rural economy, and landscape character.
- 5.1.9 Volunteers have contributed an enormous number of hours work over the last seven years. In just three years between 2012 and 2015 (excluding 2013) this equated to over 13,900 hours, or £90,000 of support in-kind (if calculated at minimum wage). On top of this, the project has been successful in attracting over £70,000 from Forestry Commission Grants for woodland improvements such as access, tracks and planting, as well as funding from DEFRA (through the RDPA), the RDPE, and Dartmoor National Park's Sustainable Development Fund (DSDF).

Enterprise

- 5.1.10 The woodland elements of the Hillyfield had been neglected for at least 35 years. On top of this, the Plantation on Ancient Woodland Site, and other areas planted with Japanese Larch have had to be completely cleared of larch under order of SPHNs and are being re-stocked with mixed broadleaf, coppice, and conifer plantings. This has resulted in significant re-structuring of the woodland holding. This is work that was intended to be carried out eventually, although over a much longer time period, but was accelerated (with accompanying challenges) due to the SPHN requirements.
- 5.1.11 The challenges of small-woodland regeneration and Ancient Woodland restoration are significant, and the investment required is high, both in labour and money. Grant support has been an essential contribution.
- 5.1.12 Woodland products are hardwood and softwood timber grown on site, either used in the round or as 'added value products' through primary processing. Products include round-wood poles, firewood products, planks and cladding. As newly planted timber crops allow, coppice and greenwood products traditional to woodland management (including hurdles, brooms, pegs, charcoal etc) as well as biochar, a high value charcoal product used to enhance soil fertility, will be brought on stream.
- 5.1.13 The necessity of adding-value to home-grown timber in small woodlands for woodland enterprises is well understood. The economics of small-woodland restoration requires the woodland owner to add value wherever possible to timber grown on site and take advantage of other opportunities so as to be able to afford the investment required to bring the woodland back into active and sustainable management. This has been demonstrated in numerous case studies published in forestry journals including The Royal Forestry Society Quarterly (Alvecote Woods Vol.105 No.2, Sandhurst Copse Vol.110 No.4 see Appendix 1).
- 5.1.14 It can be seen both historically and to date that when this is not the case, and funds to continue active care of woodlands are not available, then woodlands which might have begun to be managed again would likely fall back into neglect. This is particularly relevant given that over the last five years grant support has reduced and is likely to continue to decline without European support, which requires woodland owners to think outside the box to provide a living income from a small woodland.
- 5.1.15 There is an established strong community network who purchase local timber products from The Hillyfield and come to enjoy activities on the land.
- 5.1.16 The woodland also provides non-timber forest products (such as berries, mushrooms, experiential products etc.), as well as occasional opportunities to enjoy the woodland for private and public events.
- 5.1.17 Volunteers are invited to take part in the hands-on management of the land through volunteer work schemes. Participants are invited to attend the monthly volunteer weekend / workday (held every month since 2010 directly supported by the DNPA SDF), for specific activities and tasks, as well as the seasonal forest worker opportunities.
- 5.1.18 In addition, the enterprise at the Hillyfield has enabled many to enjoy the special qualities of the woodland through:
- modest recreational and educational activities on the site
 - arranging private access agreements with local people
 - engaging the public in outreach events such as holding talks and stalls at shows etc.
 - arranging occasional courses and workshops
 - organising woodland open-days at Easter and the biennial Woodland Olympics event, which celebrates woodland culture on Dartmoor.

- The vast majority of work taken place at The Hillyfield between 2010 and 2016 has been focused on improvements to the holding:
- the need to implement several major infrastructure developments to bring the woodland holdings back from neglect
- the major undertaking of felling and extracting related to the two SPHN notices, whilst restoring the ancient woodland element of The Hillyfield through extensive replanting
- the extraordinary level of planning negotiations required to continue and to secure the woodland business.

5.1.19 Over the five years between 2013 and 2017 the total income of the forestry enterprise has been over £131,000.

5.1.20 THMC Ltd, who manage the woodland, estimate the value of timber in the wood available over the next five years at £101,265 if processed into best value products, with sustainable yields for the five year periods thereafter averaging over £123,000.

5.1.21 A fuller description of the management and enterprise at The Hillyfield is contained in Mr King-Smith's proof, Sections 4. and 5..

6. Planning History of the Site

6.1.1 The relevant planning history of the site is as follows:

- Prior Notification Application (ref: 0467/11) for renovation of existing tracks and creation of new tracks, no objection from LPA
- Prior Notification Application (ref: 0297/12) for erection of three forestry storage buildings, LPA objection 18th June 2012
- Prior Notification Application (ref: 0259/15) for erection of two barns, LPA objection 18th June 2015 – *being appealed*
- Enforcement notice 1 issued 27th January 2016 – *being appealed*
- Enforcement notice 2 issued 27th January 2016 – *being appealed*
- Planning Application for hard-standing for forestry use (ref: 0040/17), approved 10th March 2017
- Prior Notification Application (ref: 0001/17) for erection of one barn, LPA objection 25th January 2017 – *being appealed*
- Planning Application (ref: 0438/17) for multi-use forestry building – refused 31/10/2017 – *being appealed*.

6.1.2 A full planning history is given in Appendix 2 of Mr King-Smith's proof. His proof also details an 'Enforcement History'.

7. Prior Notification Appeal 1 – 3140928

7.1. Description of the proposals

7.1.1 A Prior Notification (0259/15) was submitted for determination on 22 May 2015 for the erection of two barns for forestry purposes at The Hillyfield. The first barn was intended as a machinery and tool store (14.3 x 13.6 x 6.45 m), and the second, an open fronted barn, for the storage and drying of processed timber (24.4 x 7.9 x 5.8m).

7.1.2 Both buildings were proposed to be sited in the disused quarry on the holding, which is arguably the least intrusive location for the buildings.

7.1.3 In its determination DNPA remained silent on the matters of siting, design and external appearance of the two buildings, and addressed whether the buildings were reasonably necessary for forestry and finding that they were not:

The Authority has considered the details of your notification and considers that the proposed buildings are not reasonably necessary for the purposes of forestry on the identified land.

7.1.4 The officer report also variously states:

The applicant has previously been advised that if it was considered that the building is required to manage the woodland, the Authority would be looking at the minimum requirement. The trees and landscape officer has previously concluded that the reason this store is required is to house machinery being used not wholly for the purposes of forestry and that as such the building was not required for the purposes of forestry. It was also argued that timber to be seasoned did not need to be within a building.

7.1.5 The application was accompanied by a report by Guy Watt, a chartered forester of considerable experience and director at John Clegg Consulting Ltd., confirming the reasonable necessity of the buildings for forestry. The Millington and Midlothian Assessor cases were also provided to the Authority as justification for the proposals.

7.1.6 The report concluded:

In the Authority's view, whilst it is desirable for timber to be stored under cover, it is not necessary. The support from Mr Watt is based only on the estimated volumes of timber resulting from the Woodland manager planned that runs from 2014 for 10 years. Furthermore, whilst there is no appropriate access to the site to remove timber products, there is no means by which to extract the timber from the plantation and no ability to transport sawn timber or firework to the market. Until a suitable access is provided, the buildings are unlikely to be needed and therefore cannot be considered to be permitted development.

In addition, based on the items stated as needing to be still, there does not appear to be any justification for the size of the machinery store proposed which seems excessively large for the stated purpose.

7.2. The forestry enterprise

7.2.1 Mr King-Smith's proof lays out inconsiderable detail the nature of the forestry enterprise located on holding, however, unlike agricultural permitted development rights, it is not necessary for there to be a trade or business on the holding in order for there to be permitted development rights. All that is required is that the land is used for the purposes of forestry, including afforestation¹.

¹ Class E GDPO 2015

7.3. Reasonable necessity for the proposals

7.3.1 The applicant supplied documents to the LPA setting out the advice of Guy Watt (a chartered forester of considerable experience and director at John Clegg Consulting Ltd.) that the barns were reasonably necessary for forestry. An email from Mark Prior (Forestry Commission) also supported this. The LPA subsequently discussed this point with Rupert Lane who was acting on behalf of the applicant (another chartered forester who had been employed by the LPA for several decades as their Senior Woodland Officer). His advice was also that the buildings were reasonably necessary for forestry. The LPA also consulted their own Tree and Landscape Officer who is not a chartered forester, who stated '*This is a prior notification, but the storage is for forestry equipment and agriculture equipment. Can you have a prior notice for dual use? Under the old prior notification process it was either part 6 or part 6 not both.*' though the officer report appears to go beyond this advice.

DNPA's Faulty Perspective

7.3.2 DNPA appear to have four significant faults in the way they have approach this case:

- that the building should be the minimum required to manage the woodland – a larger building is not justified
- that it is not necessary to store processed timber in a building
- that the lack of a suitable access means that the building for the storage of processed timber cannot benefit from permitted development rights
- that the storage of agricultural items in a building means that it cannot benefit from permitted development rights.

Minimum size of building

7.3.3 DNPA appear to be confusing legislation with local policy. This is a matter of legislation which states that the permitted development should be reasonably necessary for the purposes of forestry on the land concerned. DNPA, however, appear to be saying that the permitted development should be the *minimum* necessary for the purposes of forestry. There is no basis for them to do so - they are not at liberty to make up their own version of the legislation.

7.3.4 Reasonable necessity is the correct requirement, and Mr King-Smith's advisors have set out with clarity and in detail why both buildings are reasonably required. Furthermore, the notional test of minimum necessity DNPA appear to be seeking to apply would require any woodland owner to know at a given point in time all possible future uses they may require of the building, and to define a minimum requirement based on that knowledge. Reasonable necessity, however, allows for the building to be sufficiently large for it's used to vary and change over the years as the nature of the forestry activities on the holding change.

Storage of processed timber in a building

7.3.5 Mr King-Smith's advisors have also set out with clarity and in detail why it is necessary to store processed firewood and other process timbers such as planks under cover in order to dry and season it. DNPA disagree, and their position appears to be (though the officer report is brief in this regard), that it is not absolutely necessary to do so, despite Mr King-Smith's advisors pointing out that it is.

7.3.6 Again, the requirement is that it is reasonably necessary to do so, and those most expert to judge this concur that it is.

Lack of Suitable Access

7.3.7 The officer report is clear in assuming that the lack of a sufficient access removes any permitted development rights that may exist. This is nonsense, as the legislation makes

no reference to a condition for permitted development rights to exist being the existence of suitable access. It is completely unreasonable for the LPA to have made up such a spurious reason in attempting to deny *bona fide* permitted development rights.

- 7.3.8 Even were they correct in their assumption, which they are not, the previously used legal access to the Hillyfield, through the curtilage of Harbourneford Lodge, albeit restricted in width for access by large agricultural vehicles, has nevertheless been used for many years to remove unprocessed and processed timber from the holding. The LPA were also fully aware of the existence of a planning consent they had given for a new alternative access, now implemented, which is entirely suitable for use in removing processed and unprocessed timber from the holding.
- 7.3.9 In the light of all of these facts it is simply baffling that the LPA have misdirected themselves in this fashion (and repeated these errors in their statement of case).

The Storage of Agricultural Items in the Machinery Store

- 7.3.10 Whilst the LPA are, in principle, correct that a prior notification must be made for either an agricultural or a forestry building, their approach that the existence of an insignificant number of agricultural items in a forestry building means that it cannot benefit from forestry permitted development rights is unreasonable in this case.
- 7.3.11 A more reasonable perspective would have been, as they must be familiar with, as applied in tests for changes of use, i.e. does the presence of the agricultural items change the overall use of the building to one of mixed-use. In this instance it appears that this would not be the case, as the number of agriculture items is small and the potential for the shared use of the forestry activities high. Indeed, many agricultural barns contain matters sometimes useful forestry and this seldom raises any concern.
- 7.3.12 Mr King Smith reports that it was specifically made clear to Jo Burgess by Rupert Lane that the agricultural holding at The Hillyfield was rented out to Russel Ashford from Bowden Farm, a neighbouring organic sheep farmer, and therefore Mr King-Smith was not responsible for the management of the agricultural element of the holding and would hold no machinery for this purpose. In addition she was advised that the tractor powered topper was used for cutting grass on the rides throughout the woodland holding, and therefore was used for forestry rather than agricultural purposes.

Reasonable necessity for the buildings

- 7.3.13 The holding is used for the purposes of forestry. Thus it benefits from permitted development rights under Class E. Mr King-Smith's own evidence, and that of his experienced and credible forestry advisors, plainly lay out the reasonable necessity for the buildings for the storage of machinery and processed timber. These reasons include, for the machinery store:

- the size and quantity of machinery and equipment required
- protection from the extremes of weather experienced on Dartmoor
- the need to ensure machinery is maintained in good working order
- the need to prevent rapid deterioration or unreliability, both of which have impacts on the viability of the holding
- the need for security of valuable equipment
- the health and safety issues of unsecured machinery.

And for the timber storage barn:

- to prevent its deterioration
- allow it to be marketable
- allow it to be sold at a reasonable profit.

- 7.3.14 It is important, at this point, to note that the applicant provided information justifying the validity of the storage of logs and processed timber as forestry activities, and that DNPA did not contest this.
- 7.3.15 This necessity arises from the long term needs of the holding in forestry use, and not just those arising from the recent needs to fell all of the Japanese Larch on the holding subject to the Statutory Plant Health Notice (SPHN), though this made the need for the buildings more urgent.
- 7.3.16 Instead of addressing these matters straightforwardly, DNPA have misdirected themselves into notions of minimised need, absolute necessity to store timber indoors, suitability of the access to the site, and storage of an insignificant number of agricultural items in the machinery store. Rather than taking a fair and reasonable perspective on the matter of the reasonable necessity of the buildings for forestry on the holding, they appear to have contrived to find any possible reason to resist such a conclusion, including some simply not available to them under the relevant legislation.
- 7.3.17 Furthermore, it is a matter of record as Mr King-Smith's proof shows, that the Authority have at various times conceded reasonable necessity for a machinery store and store for processed timber, though not both at the same time, even though their current position as stated in their Statement of Case is that there is no need for any buildings for the purposes of forestry on the holding. They appear to be confused at best, and conniving worst.
- 7.3.18 It is our conclusion that there is a clear reasonable necessity for the two buildings which were the subject of the Prior Notification, despite the various points put forward by the LPA, and that deemed consent is now in place, the LPA having failed to request details of siting, design and appearance within 28 days.

7.4. Siting, design and appearance

- 7.4.1 It follows from the conclusion above that there is no need to consider the siting, design and appearance of the buildings. Notwithstanding this, and for completeness, it is our view that the buildings have been sited in the least intrusive location available on the holding (and also the most functionally appropriate location). In addition, the design in the appearance of the building is also commensurate with their forestry use, and entirely acceptable in terms of the minimised impact on their setting.

7.5. Why a planning application was not made

- 7.5.1 DNPA seem to take exception to the fact that having refused to determine the prior notification no planning application was made for the buildings concerned. There are good reasons why Mr King-Smith chose not to make a planning application.
- 7.5.2 First, he was clear that he did have permitted development rights for the buildings, and therefore that should be the means by which the buildings were consented. Second, should he have made planning applications, there would have been tacit admittance that such permitted development rights were not available, and that the principal of the acceptability of the proposals would have been a primary planning concern. Given that the authority was clear that there was no reasonable necessity for the building, why would they have granted the full planning consent?
- 7.5.3 The fees for such applications would also have been higher, there would have been full consultation on the applications, and should they have been consented there would have been opportunity for the LPA to place conditions on the consent and wider holding.
- 7.5.4 It is therefore unsurprising an entirely reasonable that Mr King-Smith chose not to make planning applications and to appeal the decision of the authority instead, and it would be entirely disingenuous of the Authority to claim that Mr King-Smith should have reasonably made such applications.

8. Enforcement Appeal 1 – 3146596

8.1. Overview

- 8.1.1 It is important to note that the underlying reasons for issuing the notices are identical, i.e. that:

The Authority considers the development constitutes an unjustified visual intrusion that adversely affects the character and appearance of the part of the National Park concerned.

- 8.1.2 Lyndis Cole's proof dismissed this argument in respect of all matters referred to, and this proof also finds the alleged conflict with adopted policies to be unfounded also. These matters are fully addressed in the Ground A appeals.
- 8.1.3 Also, in most cases the attacks of both notices on the alleged change of use and the various structures and items appear to fail on other Grounds first. Notwithstanding his Ground A appeals are dealt with first.

8.2. The Notice

- 8.2.1 The enforcement notice has a broad span, alleging a change of use 'from agriculture to a mixed-use of agriculture, residential, recreational, and the running of courses and activities available to the public, with or without payment'.
- 8.2.2 The Notice fails to refer to forestry both as an existing and proposed use². This is one of the main uses of land within the site edged red. The woodland on site is not ancillary to the farming of the land: it is a use in its own right. S336 TCPA1990 does not include forestry in the definition of agriculture. Forestry is recognised as a separate use of land for which there are separate permitted development rights. The Notice is, at best, confusing.
- 8.2.3 The breach alleged in section 3 refers to (b) residential purposes, (c) recreational purposes, and (d) the running of courses and activities. This is vague and unhelpful. It is far from clear what is referred to and how they can be considered separate, discrete uses of land in their own right, as opposed to uses of land in association with the main lawful uses.
- 8.2.4 The Enforcement Notice red line area covers the entire site, and therefore it is assumed that the allegation is that the entire site has been used for a mixed-use.
- 8.2.5 The Notice also specifically alleges the siting of caravans for residential purposes, the siting of a yurt for residential purposes, the use of two lorry bodies for storage purposes, the siting of a tent used as a field kitchen, and the siting of a tent used as a covered workspace. However, (aside from the identification of the alleged use of the caravans and yurt for residential purposes) the storage units, field kitchen and covered workspace uses are not assigned to one, nor any, of the alleged mixed uses. Although we assume that these other items are also presumed to facilitate the mixed use by the LPA, this remains unhelpful and unreasonably vague.
- 8.2.6 This makes setting out our grounds of appeal challenging as we have to respond to all eventualities we might see as being in the LPA's mind as the Enforcement Notice is so broad and vague.
- 8.2.7 The LPA considers the alleged development constitutes an unjustified visual intrusion that adversely affects the character and appearance of the part of the National Park concerned.

² Partially corrected by the LPA in December 2016, a year after issuing the notices.

- 8.2.8 At Section 5 the notice requires that all non-agricultural uses of the site should cease, yet the majority of the site is used for forestry. Thus the Notice appears to require the removal of all forestry activities, yet the base use of the site is a mixed use of agriculture and *forestry*. This was perverse and unreasonable, and was only corrected by the LPA a year after issuing the notices.
- 8.2.9 The requirement to remove all structures ignores that they may be permitted to remain as they are used in association with other lawful uses of the site, principally forestry. In this respect the Notice is again unreasonably onerous and excessive.

8.3. Ground a)

Overview

- 8.3.1 Before unpacking the detail, it is worth stating at the outset that all of the activities currently and previously having taken place at the Hillyfield appear to be entirely in line with those expected and supported by National planning policy and the Development Plan, the Management Plan for the National Park, and other important closely related documents such as the UK Forestry Strategy.
- 8.3.2 As experts in planning in National Parks and sustainable development in rural areas more widely, the blunderbuss approach the Authority has taken in this instance appears unhelpful, unreasonable and unjustified. National Parks are places where active and sensitive woodland management is encouraged, but all too often absent, and where involving the public in outdoor recreation and education directly linked to the sustainable management of the National Park is a central policy priority.

Forestry & agriculture – mixed use of the holding

- 8.3.3 The notice, as uncorrected by the LPA, alleges the change of use from agriculture to one of agriculture, forestry and other uses. The site has always been in forestry use. Using the site forestry does not require planning permission, therefore this element of the notice did not make sense and therefore has subsequently been corrected in part by the LPA.

Mixed use - recreation, and the running of courses and activities available to the public, with or without payment

Legislation and policy

- 8.3.4 As Mr King-Smith's proof explains, the majority of recreational activities on the holding, and all of the educational activities, are directly related to the use of the holding for forestry and agriculture. Rather than being contrary to policy, such activities are directly supported by both legislation and policy.
- 8.3.5 Lyndis Cole's proof makes clear that all activities on the Hillyfield, including those attacked by the notices, make a strong and significant contribution to the natural beauty of the National Park. Stephen Lees report, appended to this proof, echoes this from a wildlife perspective. On this basis we therefore think it is clear that mixed use of The Hillyfield for forestry, agriculture, recreation and running of courses, is well aligned with the first and second National Park purposes. The forestry enterprise at The Hillyfield is also something which would, should the Park Authority and its partner support it, assist them in fulfilling the duty.
- 8.3.6 Paragraph 115. of the NPPF is also satisfied, as the activities at The Hillyfield produce landscape benefit not landscape harm.
- 8.3.7 The aspirations and detail of the 2010 Circular are also well aligned with the activities at The Hillyfield. From its Vision, The Hillyfield directly contributes to a *thriving, living, working landscape* on Dartmoor. On Dartmoor *woodland cover is increased and woodlands are sustainably managed, with the right trees in the right places*, thanks to The Hillyfield. And as a result of the public access, for recreation and education,

everyone can discover the rich variety of England's natural and historic environment, and have the chance to value them as places for escape, adventure, enjoyment, inspiration and reflection.

- 8.3.8 Stephen Lees, and many of the others who have advised, and grant aided The Hillyfield (including the prize awarded at the Devon County Show in 2014 and funding from Forestry Commission English Woodland Grant Scheme, DEFRA, the RDPE, Unltd, and Dartmoor National Parks own Sustainable Development Fund), agree that the forestry management and other activities there are fine examples of woodland management, landscape management, and outdoor education and recreation, and in our view the fulfilment of the first and second purposes at The Hillyfield creates a beneficial synergy, just as the primary legislation envisages.
- 8.3.9 The Hillyfield is also a model of sustainable development, where an innovative, ambitious and generous enterprise has shown that the management of mixed woodland on difficult terrain can be environmentally, socially and economically sustainable, and contribute positively to the challenges of climate change, in line with the aspirations of the 2010 Circular, the UK Forestry Strategy, and Dartmoor's own Management Plan, but apparently not well aligned with the NPA's on the ground expectations. There can be no better illustrations this than revisiting Figure 1 Diagram from the UK Forestry Standard, where in our view activities at The Hillyfield make a positive contribution to every one of the seven separate areas of influence and activity identified under sustainable forest management and use.
- 8.3.10 The activities at The Hillyfield also enjoy a wide support from the National Park Management Plan, from the perspective of the protection, enhancement and reproduction of the special qualities of the Park, and public enjoyment and understanding of them. The following passage from the Management Plan is particularly striking in terms of how closely the activities at The Hillyfield align with what the Management Plan wishes to see happen:
- The large areas of semi-natural woodland in the National Park were once managed, but decline in the demand for coppice products and cheap imports of softwood timber have reduced the economic incentives for traditional woodland management. Nevertheless, the situation is changing. Rise of the Far East economies has and will continue to have an effect on timber markets with improved prices for home-grown timber, and in the UK new markets will emerge through demands for woodfuel. Rejuvenation of the wood and timber markets will need to be directed to those woodlands where management will bring maximum benefits, as identified through woodland management plans, especially Plantations on Ancient Woodland Sites (PAWS).*
- 8.3.11 In our understanding the NPA have never fully justified why they regard the activities at the Hillyfield so negatively and we are straightforwardly unable to understand how they would come to such a view having properly considered the range of national policy and guidance which so directly supports the activities concerned.
- 8.3.12 Of course, local policy is the primary planning consideration, but here our consternation continues. COR1 addresses the application of sustainability in new development in the Park. In particular, activities at The Hillyfield are an efficient use of land, support the socio economic vitality of the park, conserve the quality and quantity of natural resources, and respect the character and quality of the local landscape and wider countryside. This includes the recreational activities and the running of courses.
- 8.3.13 COR2 requires that outside rural settlements development must be necessary to meet the proven needs of farming including farm diversification and forestry. Or that the development is small scale for the growth of existing businesses, and / or is needed to promote National Park purposes. Should it be necessary to regard as such, the recreational and educational uses at The Hillyfield are a reasonable diversification of the

main forestry business, in keeping with small scale growth of the business, and beneficial in promoting National Park purposes.

- 8.3.14 Insofar that in our view the activities at The Hillyfield are acceptable in terms of national policy, and policies of the development plan, policy DMD1a is also satisfied. So too is policy DMD1b in that the activities of The Hillyfield conserve the natural beauty and ecology of the park, and offer straightforward opportunities for public in understanding and enjoyment of such special qualities. The social and economic well-being of local communities is also directly supported.
- 8.3.15 Policy DMD5 is also satisfied as Lyndis Cole's proof makes clear. Policy DMD31 the provision of new recreational and leisure facilities, and whilst no facilities as such have been provided at The Hillyfield opportunities for these activities have. As such these opportunities satisfy criteria (i) - education and enjoyment of special qualities, (ii) - small scale enterprises based on the intrinsic qualities of the National Park, (iii) - outdoor recreation meeting the needs of local communities, and conserving or enhancing landscape character. DMD14 is satisfied by the strong positive contributions to biodiversity and conservation more generally by the activities on site.

Acceptability though restrictions / conditions

- 8.3.16 Should it be found that the existing level of recreational and educational activities at The Hillyfield are sufficient to constitute a change of use, and Ground A is engaged, then consideration needs to be given as to the limitation of such activities in order that they remain acceptable. The nature of uses, and their duration both should be addressed.
- 8.3.17 It would seem sensible that the majority of recreational uses should be linked to the forestry and agricultural use of the site. It would also be sensible that the overall number of days on which such uses could occur would be limited. The intention of both measures would be to ensure that the forestry and agricultural use of the site remained its main use. This is discussed more under the conditions section of this proof.

Mixed use - residential

- 8.3.18 As Mr King-Smith's proof demonstrates there is no full time residential use of the site by a single household – no C3 use. The only residential use made of the site is by forestry workers, some of whom live on site whilst working there, and then move on when this work ceases. This is documented in depth in Mr King-Smith's proof. At most times of the year there are forestry jobs to be done under the sort of management regime in place at The Hillyfield.
- 8.3.19 The yurt is erected when needed for the accommodation of forestry workers some of the time. The caravans are used for the accommodation of forestry workers, and as for the yurt, are only used for sleeping space as the kitchen and welfare facilities used by workers on site are to be found in other structures. The use of the caravans and yurt is therefore more akin to hostel dormitories than dwellings.
- 8.3.20 Should this use be regarded as requiring planning consent, there is no national or local policy specifically addressing it, and therefore more general policy should be engaged. As Lyndis Cole's proof makes clear the caravans and the yurt do not cause unacceptable landscape harm. The accommodation of forestry workers on site also directly facilitates the forestry enterprise which directly enhances the special qualities of the National Park and public understanding and enjoyment of them.
- 8.3.21 Policies COR1, COR2, DMD1a, DMD1b, DMD5, DMD14 and DMD34 are all satisfied, therefore.
- 8.3.22 A straightforward means of ensuring that the use of the caravans remains as described above would be a condition requiring the keeping of a register of all occupants of the caravans, as Mr King-Smith has already done, and requiring that the caravans are not their principal residence.

Mixed use – lorry body, field kitchen & covered workspace

- 8.3.23 Should the holding be found to be in a mixed-use, then the lorry body, field kitchen and covered workspace should be found to be acceptable components of this mixed use, both because of their minimal landscape impact (Lyndis Cole's proof) and roles in a mixed use which has clear benefits for the special qualities of the area and public understanding and enjoyment thereof. National and local policies are satisfied as already described above.

The totality of the mixed use

- 8.3.24 Should it be concluded that there is a mixed use on site, the totality of that mixed use also should be considered. This mixed use, comprising forestry, agriculture, recreation (mainly ancillary to forestry and agriculture), education (ancillary to forestry and agriculture), and residential use (ancillary to forestry), makes up a proven system for multifunctional and sustainable woodland management on a holding which conventional forestry wisdom might regard as non-viable.
- 8.3.25 Both Lyndis Cole and Stephen Lees are extremely that in its totality, this use is strongly beneficial to the local landscape and also to local wildlife - two key elements of the special qualities of the National Park. The use also brings people directly into contact with such special qualities, bringing an immediate understanding and enjoyment of them. Indeed, it is hard for us to think of a better example of development within a National Park which fulfils both the purposes and duty, and is so closely aligned with so much of the aspirations of the 2010 Circular and National Park Management Plan, and the 25 year vision.
- 8.3.26 Most of development can be expected to involve compromise. There is none here and the activities and enterprise on the holding, because of the choices made by the owner and the nature of the business undertaking there, should be regarded as truly sustainable as they provide environmental, social and economic benefits simultaneously. National Parks are supposed to be vanguards in supporting such development, and it is therefore incomprehensible why the National Park authority has taken such offence to The Hillyfield when positive engagement was a clear alternative approach.

Fall back positions

- 8.3.27 Two fall back positions require brief discussion.

Use of caravans by forestry workers

- 8.3.28 First, under the Caravans Act it would be permissible to accommodate the forestry workers on site in caravans for most of the year, removing the caravans from site when they were not required. From the records Mr King-Smith has kept this would amount to no more than a few weeks each year. The caravans could be sited anywhere on site, rather than only at the most sympathetic location as is now the case.
- 8.3.29 Given the difference between this legitimate fall back position and keeping the caravans on-site all year in any location on holding, consenting for the caravans to be used for forestry workers only in their current location, and not removed from site when they are not in use, is more reasonable in planning terms.

Use of Caravans for Welfare and Storage

- 8.3.30 Second, it is well established that caravans may be used for ancillary uses on planning units. It is therefore the case that caravans, such as static caravans, could be used for welfare facilities for workers at The Hillyfield, without the need for planning consent, sited in any location. They could be used for storage of tools, equipment, and supplies. Instead the field kitchen, covered workspace and lorry body are used for these purposes.
- 8.3.31 The use of caravans for these purposes would have a significantly greater landscape impact than the use of the existing items, and therefore the existence of this fall back

position it would be more beneficial and reasonable to grant consent for the existing items whose location could also be specified.

8.4. Ground c)

Mixed use - recreation, and the running of courses and activities available to the public, with or without payment

Use for less than 28 days

- 8.4.1 Section 3 of Mr King-Smith’s proof provides a summary of all activities at The Hillyfield, which is then backed up by various appendices.
- 8.4.2 The activities of volunteers on the holding appear solely related to forestry in that volunteers work on forestry activities and activities ancillary to forestry. They are not involved in the running of courses, and receive only limited ‘on the job’ training.
- 8.4.3 The only activities, therefore, contributing to the alleged mixed use are those characterised as events in Mr King-Smith’s proof. The total duration of educational events is as follows in the chart from Mr King-Smith’s proof.

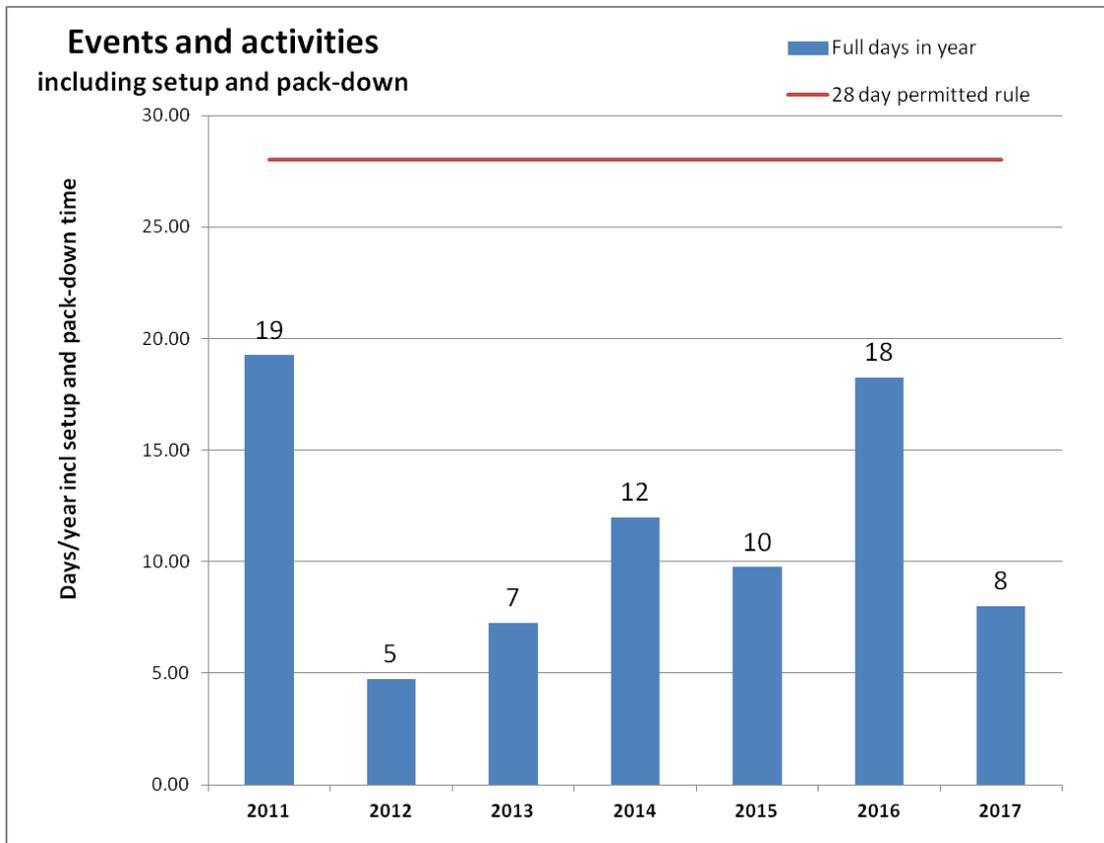


Figure 3 – Numbers of days of events and activities at The Hillyfield by year

- 8.4.4 There are, in addition, approximately 2-4 days of recreational events ancillary to forestry per year, and 3-5 days of recreational events not ancillary to forestry per year.
- 8.4.5 There is no open public access to the site, therefore all uses which may be characterised as recreation and the running courses are only those covered by the events catalogued above, and in detail in Mr King-Smith’s proof.
- 8.4.6 This site enjoys permitted development rights for uses for open land for 28 days in any calendar year. All of these uses took place on open land, and therefore all of these uses benefit from permitted development rights and there has been no breach of planning control.

Ancillary and incidental uses

- 8.4.7 The base use of the site is a mixed use of forestry and agriculture. Other alleged uses in the mixed use – recreation and the running of courses – are mostly ancillary or incidental to the base use of agriculture and forestry and their nature, scale and frequency are not sufficient to bring about an overall material change of use of the site. This is clear from the description of these uses in Mr King-Smith’s proof.
- 8.4.8 A minor proportion of the recreational uses are not ancillary or incidental to the mixed use of agriculture and forestry, but these are not sufficient in their nature, scale and frequency to bring about an overall material change of use of the site or to change the overall character of use for recreation and the running of courses on the site. They are *de minimis*.

Structures

- 8.4.9 The lorry body, field kitchen & covered workspace are only used ancillary and incidental to the overall use of the site. Overall the site is not in mixed use. None of these structures facilitate a separate use and therefore there is no change of use in connection with their existence and use on the site.

8.5. Ground d)

Lorry body

- 8.5.1 The lorry bodies are in fact one lorry body and one entire lorry. Mr King-Smith’s proof documents that the lorry body has been on site for more than 10 years – since 2006.
- 8.5.2 Its stationing upon the land, should it be found to have facilitated any change of use, is therefore immune from enforcement action.

Field kitchen

- 8.5.3 Mr King-Smith’s proof documents that the field kitchen has been on site in its current position since 2011. Should it be found to the operational development it will therefore be immune from enforcement action. The three tests in such instances are:
- size
 - permanence
 - physical attachment to the ground
- as a matter of fact and degree*

- 8.5.4 The field kitchen is a substantial construction of heavy timbers harvested from the site. The ends of the timbers are embedded in the ground. It is certainly not moveable in one piece, as a caravan might be, and to dismantle and move it would take several people more than day. Since being erected on site it has not moved. As a matter of fact and degree we consider it to be a building or structure under development in Section 55 of the 1990 Act.

8.6. Ground g)

- 8.6.1 As Mr King-Smith’s proof explains the holding is subject to Statutory Plant Health Notices (SPHN) covering more than 1,500 cubic metres of Japanese Larch. Clearing and processing this timber remains the most important priority on the holding.
- 8.6.2 The caravans, yurt, lorry bodies, field kitchen and workshop are all in daily use as part of this work. Having to remove all of these within six months would have a strong negative impact on the ability to manage the woodlands at this time.
- 8.6.3 A timescale of 12 months is necessary in order to allow all the infected larch at the Hillyfield to be felled, as per SPHN orders, extracted from the hillside and processed, and to re-plant the areas affected by disease.

9. Enforcement Appeal – 3146597

9.1. Overview

9.1.1 It is important to note that the underlying reasons for issuing the notices are identical, i.e. that:

The Authority considers the development constitutes an unjustified visual intrusion that adversely affects the character and appearance of the part of the National Park concerned.

9.1.2 Lyndis Cole's proof dismissed this argument in respect of all matters referred to, and this proof also finds the alleged conflict with adopted policies to be unfounded also.

9.1.3 Also, in most cases the attacks of both notices on the alleged change of use and the various structures and items appear to fail on other Grounds first. Notwithstanding his Ground A appeals are dealt with first.

9.1.4 The Enforcement Notice alleges the erection of three items, comprising of five structures, in breach of planning control:

- two small open fronted timber barns
- two compost toilets
- a timber platform used for the siting of a yurt.

9.2. Ground a)

Barns

Need

9.2.1 As Section 7.3 of this proof explains there is a reasonable necessity for buildings for the storage tools and machinery and the storage and drying of firewood and processed timber on the holding.

9.2.2 As Mr King-Smith's proof explains he erected the barns for these purposes as a temporary measure, it having been made clear by DNPA that they were unlikely to support prior notification applications for such buildings, whilst he believed that such buildings were justified and also absolutely necessary for the proper functioning of his woodland enterprise when erected in 2015.

9.2.3 Mr King Smith is also clear that should the appeal concerning the prior notification for the two new barns within the quarry for forestry use succeed then these two temporary barns will be removed.

9.2.4 The Ground A case for the retention of these barns is therefore that they are reasonably necessary for the purposes of forestry on the holding, but that planning consent is now required for them as they have already been erected.

9.2.5 In terms of the evidence of both Mr King-Smith and Mr Watt it should be noted that these barns are in fact too small for the needs of the holding in terms of machinery storage and timber storage, and also lack the necessary security for the storage of machinery. This is why they are currently mainly used for the storage of processed timber.

Siting, design and appearance

9.2.6 The buildings are sited in the quarry, which is the least intrusive location available as Lyndis Cole's proof confirms. They are simple and modest timber structures, clad in timber with profiled sheeting roofs, and as such their design and appearance is entirely in keeping with their function and fully acceptable.

Policy

Policy COR2 requires that such development:

a) is necessary to meet the proven needs of farming, including farm diversification and forestry, and other enterprises with an essential requirement to locate in the open countryside;

9.2.7 It is our view that the barns are reasonably necessary for the purposes of forestry on the holding - a proven forestry need.

9.2.8 Policy DMD34, in the absence of a prior notification application, directly applies to such proposals. Its requires that:

(i) there is a demonstrable need that is proportionate to the use of the land;

(ii) it relates well to local landscape features and other building groups;

(iii) it is located and oriented with respect to local topography so as to reduce intrusive effects;

(iv) it demonstrates a scale and form that is well related to its function;

(v) it will not cause unacceptable harm to biodiversity, geodiversity and archaeological and cultural heritage assets, natural drainage or soil stability;

Are all criteria are fully satisfied by the two barns.

9.2.9 That 'A condition will be attached to any permission for a new building requiring it to be removed if it becomes redundant for its original purpose and there is no other acceptable use.' is also acceptable.

9.2.10 In our view there is therefore no conflict with the policies of the Development Plan or all national policy and guidance.

Compost toilets

9.2.11 The two structures used as compost toilets are in daily incidental use in connection with both the forestry and agricultural uses of the site. They are small, unobtrusive and inoffensive constructions of natural materials which Lyndis Cole's proof makes clear raise no landscape impact issues of any significance.

9.2.12 Toilets are needed on the holding, mainly for workers but also for visitors when they are on site. The two compost toilets have been sited such that they are close to fresh water supplies for washing. These two locations are also unproblematic in landscape terms.

As there is a need for toilets criterion a) of COR2 is satisfied in our view, as are criteria (i), (ii), (iii), (iv) and (v) of DMD34.

9.2.13 Should the compost toilets not be on site the most likely alternative would be siting portaloos on the land which would be more visually intrusive and less environmentally sustainable. This is the fall back position when considering the acceptability of the compost toilets.

Timber platform

9.2.14 The timber platform is a small structure, from time to time used for the siting of a yurt to provide accommodation on site for forestry workers. The timber platform is not used exclusively for the siting of the yurt. It has also been used for the storage of timber, and at other times is not used for anything.

9.2.15 Lyndis Cole's proof makes clear raise no landscape impact issues of any significance arise from the erection of this structure.

9.2.16 In that it plays a small but useful selection of roles in the wider working and management of the woods it is our view that criterion a) of COR2 is satisfied, as are criteria (i), (ii), (iii), (iv) and (v) of DMD34.

9.3. Ground d)

Compost toilets

9.3.1 Mr King-Smith's proof documents that the compost toilets have been on site since May 2011. Should they be found to be operational development they will therefore be immune from enforcement action. The three tests in such instances are:

- size
- permanence
- physical attachment to the ground

as a matter of fact and degree.

9.3.2 Although small the compost toilets are permanent in that they have not moved and there is no intention to move them, and are attached to the ground in that they are anchored to prevent them from moving in high winds. As a matter of fact and degree we consider them to be buildings or structures under development in Section 55 of the 1990 Act.

Yurt platform

9.3.3 Mr King-Smith's proof documents that the yurt platform has been on site before since June 2011. Should it be found to be operational development they will therefore be immune from enforcement action. The three tests in such instances are:

- size
- permanence
- physical attachment to the ground

as a matter of fact and degree.

9.3.4 Although small, the yurt platform is permanent in that it has not moved and there is no intention to move it, and is attached to the posts used in its construction. As a matter of fact and degree we consider it to be operational development as per Section 55 of the 1990 Act.

9.4. Ground g)

9.4.1 As Mr King-Smith's proof explains the holding is subject to Statutory Plant Health Notices (SPHN) covering more than 1,500 cubic metres of Japanese Larch. Clearing and processing this timber remains the most important priority on the holding.

9.4.2 The caravans, yurt, lorry bodies, field kitchen and workshop are all in daily use as part of this work. Having to remove all of these within six months would have a strong negative impact on the ability to manage the woodlands at this time.

9.4.3 A timescale of 12 months is necessary in order to allow all the infected larch at the Hillyfield to be felled, as per SPHN orders, extracted from the hillside and processed, and to re-plant the areas affected by disease.

10. Prior Notification Appeal 2 – 3168180

10.1. Description of the proposals

10.1.1 A Prior Notification (0001/17) was submitted for determination on 22 December 2017 for the erection of one building for forestry purposes at The Hillyfield. The barn measures 20m x 8m and is made up of a covered workspace with an open front (11m x 8m), a smaller workspace with two doors (4m x 8m) and a welfare area for workers on site (5m x 8m).

10.1.2 The justification provided for the various elements of the single building was as follows:

Forestry operations (including ancillary operations) at Hillyfield require covered workspace and welfare facilities for workers. Whilst these facilities are already provided by various existing buildings and structures, the intention is to relocate them into two distinct locations within The Hillyfield holding:

- *The first location is in the Quarry, regarding which the refusal of two Prior Notification are being appealed*
- *The second location is the present application site.*

The proposed barn will provide greater practicality for the operation of forestry activities on the holding, and the proposed location is well suited for the screening of the structure for the purposes of minimizing visual impact.

The welfare room will provide dry rest space, kitchen / eating area, together with washing and compost toilet facilities, used in association with forestry operations.

10.1.3 The single building is intended to replace the following existing structures on the holding:

- Tented workspace (12.6m x 7.2m)
- Crew tent / field kitchen (6.9m x 6.6m).

10.1.4 The application was made in the context of an existing appeal against DNPA's decision that a PN application for two barns, one for the storage of machinery and the other for the drying of timber were not reasonably necessary for the purposes of forestry, and also appeals against one enforcement notice alleging a change of use 'from agriculture to a mixed-use of agriculture, residential, recreational, and the running of courses and activities available to the public, with or without payment' including requiring the removal of the existing tented workspace and crew tent, and another concerning five structures including the compost toilet.

10.1.5 The new building is intended to meet all of the forestry needs concerned in one location with both functional and visual benefits.

10.1.6 In its determination DNPA remained silent on the matters of siting, design and external appearance of the building, and addressed whether the buildings were reasonably necessary for forestry and finding that they were not:

The Authority has considered the details of your notification against the relevant regulations (Schedule 2, Part 6, Class E of the Town and Country Planning General Development) (England) Order 2015) and has found that the proposed development is not permitted development for the following reason:

- *The building is not reasonably necessary for the purposes of forestry on the identified land.*

10.1.7 The officer report (which is typed but then appears to have been annotated by hand, some of which is illegible) states:

In the Authority's view, the workspace and welfare room are not reasonably necessary for the purposes of forestry. Apart from getting rid of existing structures no detailed

justification of the need for the workspace or welfare facilities has been given and as forestry by its nature is cyclical and seasonal with longer periods of minimal or no activity within the woodland, a building for these purposes and of this size seems excessive.

The arguments regarding milling of timber will be rehearsed at the Inquiry.

In terms of landscape character, although there is timber being stored on the land, it is meadow in a valley location. The landscape character of the area is set out in the comments of the Tree and Landscape Officer and although not in public view, an isolated building of this size would have an adverse impact on the character of the landscape and if that planning application is made, would be considered contrary to policy DDM5 as well as policies COR1, COR3, DMD1a, DDM3 and DDM7.

10.1.8 The comments of the Tree and Landscape Officer add detail:

I question whether this building is necessary for forestry purposes. Forestry by its nature is cyclical and seasonal with long periods of minimal or no activity within the woodland. The building would seem to serve a function for the milling of timber. The wood shown stored in the field is being milled on site with a mobile sawmill. Incidental milling of timber within a woodland is carried out in woodlands, but having a permanent building to serve this purpose is no longer part of the forestry operation, but is considered to be an industrial process.

10.1.9 He concludes:

The proposed building is not necessary for the proper management of the woodland and due to the seasonal and cyclical nature of forestry works a permanent building of this type is not necessary to manage a woodland of this size.

This is an isolated development with poor links to South Brent or Harbournford.

10.1.10 The landscape officer also makes extensive comments regarding the landscape character of the area and the harm of the proposed development would have to it, including citing a recent appeal decision regarding an agricultural building.

10.2. The forestry enterprise

10.2.1 Mr King-Smith's proof lays out in considerable detail the nature of the forestry enterprise located on holding, however, unlike agricultural permitted development rights, it is not necessary for there to be a trade or business on the holding in order for there to be permitted development rights. All that is required is that the land is used for the purposes of forestry, including afforestation³.

10.3. Reasonable necessity for the proposals

10.3.1 The reasonable necessity for the buildings was succinctly laid out in the application. This is not a statutory requirement, though it is helpful to do so.

10.3.2 Important context in the regard is that the nature of the forestry activities at The Hillyfield has been a central issue in discussion over a considerable period of time between the applicant and DNPA. DNPA are very familiar with activities at the Hillyfield and have visited the site many times and hold numerous contextual documents for it.

10.3.3 The proposed building has three elements – a welfare space for workers on site, an enclosed covered workspace with doors, and an open covered workspace with one open side. The two workspaces are indented to be used as one and will be referred to as 'the covered workspace' from here.

10.3.4 The Hillyfield benefits from an unusual business model which eschews intensive, mechanised management of the woods in favour of continuous cover management utilising lighter machinery, horses and manpower. At the heart of this approach is the

3 Class E GDPO 2015

extensive engagement of volunteer labour. Over 4000 person hours are worked by volunteers on average each year. Some volunteers stay for several weeks, others make weekly or monthly visits. All benefit from rewarding work, and acquire training in and knowledge of woodland management. Although an unusual model it works well and is not unique to The Hillyfield.

- 10.3.5 Direct benefits of this model are that the woodlands are managed in a far more sensitive and ecologically beneficial fashion as the continuous regeneration of the woods is facilitated and heavy machinery is not used in the woods meaning that soil remains uncompacted and ground flora and fauna preserved. The local landscape also directly benefits as the character of the woods is maintained, rather than being destroyed by clear felling⁴, and is enhanced over time as the structure and species mix of the woods improved under active management.
- 10.3.6 There are also direct economic benefits as there is no imperative to extract timber quickly and in large volumes, and it is handled more gently. Timber is therefore extracted on an ongoing basis. Volunteer labour is key to the primary processing which goes on on-site – producing firewood (logs), ‘rocket logs’⁵, and rough sawn timber – mainly planks used for cladding or decking. Processed timber has a far higher value than timber sold ‘in the round’ – up to 10 times greater. One forestry worker is also occasionally employed on the holding.
- 10.3.7 In summary, replacing machines with people at The Hillyfield is an established and proven business approach which has direct benefits to the habitats of the woods, the local landscape, the woodland enterprise and the local economy.

Covered workspace

- 10.3.8 The covered workspace is a place to work under cover, especially during very foul weather. It will be used (as the current one is) as a central space and meeting space for working groups, both volunteer residential workers and during volunteer days.
- 10.3.9 On a daily basis it will be used for activities such as:
- storage of hand tools including spades, de-barking irons, mattocks, chains, rope, tree-guards etc.
 - re-fueling of equipment (chainsaw / strimmer)
 - general maintenance activities – sharpening of saws, fixing of tools, jobs requiring work-bench / vice / clamps etc.
 - timber drying space for useful timber for on-site projects.
- 10.3.10 In addition on occasion and mostly in wet weather it will be used for:
- shelter from rain to allow woodland management activities such as stripping wood, sharpening stakes and fence posts, splitting kindling, packing charcoal
 - making hurdles, making tree guards, making Rocket-logs, making and fixing tool handles
 - fence-making, gate-making and making other things for use around the site.
- 10.3.11 The space needs to offer both an open-sided space with sufficient clear-span area to be able to strip long lengths of timber, and also so that chainsaws can be used safely whilst under cover (due to noxious fumes), as well as a dry / warm room for activities that require a properly dry environment such as fixing equipment and tools. The enclosed room is also essential for working when weather is really too foul for being outside.

⁴ with the exception of felling forced due to Statutory Plant Health Notices

⁵ one log bonfires for gardens and events – see <https://www.rocketlog.co.uk/>

10.3.12 The need for such facilities has already been proven through the benefits and shortcomings of the existing facility (to be replaced with this one) as the centre of operations for operations for work-groups everyday as well as at the monthly volunteer workdays. It is an essential space, central to the site and close to the mobile sawmill providing a covered space to shelter during wet weather, allowing workers to continue to be productive between showers, as well as a workshop space to carry out a variety of tasks connected to the woodland management at Hillyfield.

10.3.13 All of the uses the covered workspace will be put to are ancillary to the management of the woods and the primary processing of timber, both small and large diameter thus extracted from the site.

Welfare room

10.3.14 The welfare room is needed to provide for the needs of volunteer workers and other workers on site. Its main uses will be for:

- daily meals, tea-breaks etc.
- meetings, inductions & briefings (including site notice board)
- first aid space
- comfortable and (relatively) warm rest space for workers
- electric charging point for personal equipment.

10.3.15 It therefore requires a decent cooking and eating area and rat-proof storage for food and kitchenware.

10.3.16 The European Commission have published a guide to Protecting Health and Safety for Workers in Agriculture, Livestock Farming, Horticulture and Forestry. It is a '*non-binding guide to best practice with a view to improving the application of related directives on protecting health and safety of workers in agriculture, livestock farming, horticulture and forestry.*' and clearly states that

'where you employ workers, you will need to provide sanitation and rest arrangements depending on the operation; provision of clean drinking water, canteens or lunch and break areas, toilets, showers and changing facilities, facilities for pregnant and breastfeeding women, communication facilities, a smoking policy' p15

'If workers and their families are living on the premises or if the farm is your family's residence, pay particular attention to their safety and health daily needs.'

'If your site is visited by schools, tourists or shoppers, remember that they are even more vulnerable since they are not familiar with the site and you are responsible for their safety.' ...

'Migrant workers and seasonal staff should not be overlooked.' p19

10.3.17 It is therefore clear that the provision of welfare facilities is a requirement, not a luxury, for forestry workers.

10.3.18 As for the covered workspace the welfare room is intended to replace a slightly larger existing facility (7.7m x 7.6m in size), located in nearby pasture. This current welfare tent was erected in 2010 with funding from Dartmoor Sustainable Development Fund to encourage and support volunteer activities at The Hillyfield. There is an external table as well as the possibility to sit inside during foul weather.

10.3.19 The crew kitchen is used daily:

- in connection with work on the land as a kitchen for making tea and meals and as a rest-space with several comfortable leather sofas
- for storage for food and kitchen equipment
- for the notice board for workers to make notes and share task lists

- as the location of a first aid box for treating minor accidents. There is the accident book and information on Hillyfield for volunteers.

10.3.20 It is used monthly for the volunteer day as kitchen and eating space.

10.3.21 It is used two or three times a year for the woodland open-days and events taking place at The Hillyfield when a small gazebo is placed at the front from which food is served.

Location

10.3.22 The approved hardstanding in the pasture is the ideal location for both the covered workspace and welfare room.

10.3.23 Following a community consultation exercise in December 2012 with local community residents in Harbournford, a commitment was made to move all noisy activities of processing timber away from the village and further into the woods. This was followed up by a questionnaire that demonstrated the support of village residents for this agreement.

10.3.24 This Location also allows for access to running water, essential for running some of the machines and timber cleaning activities.

10.3.25 The kitchen location also allows for access to running water from a spring which runs all year, there is only one other such spring at Hillyfield. The site is approximately central to all work areas and close to the compost toilet and volunteer workers' accommodation which proves optimally functional in the working day, especially when needed for health and safety purposes, or taking quick tea and meal breaks.

10.4. DNPA's Faulty Perspective

10.4.1 DNPA appear to have seven significant errors in the way they have approached this case:

- assuming that '*forestry by its nature is cyclical and seasonal with longer periods of minimal or no activity*'
- therefore assuming that the proposed building is not necessary for the '*proper*' management of the woodland
- suggesting that justification for the proposed building should have been provided, whilst simultaneously ignoring the large amount of information already in their possession concerning the need for such a building on the holding and failing to ask for any further information
- ignoring the welfare use of the building
- assuming that the proposed building is to be used for milling timber, which is '*an industrial process*'
- including in their reasoning consideration that the proposals are an '*isolated development*'
- including in their reasoning that the proposals are subject to planning policy, specifically those concerned with landscape.

The nature of forestry

10.4.2 DNPA state that '*Forestry by its nature is cyclical and seasonal with long periods of minimal or no activity within the woodland.*'. This is not a truism though. For highly commercialised and intensive forestry operations on sites of since species this may be the case, but for the type of forestry operation at The Hillyfield it is not and DNPA should not be so obtuse as to suggest that only forestry which meets with their preconceptions of forestry is forestry and all other forms of forestry are not. Otherwise DNPA would be in a position to prescribe what type of forestry should be undertaken in the Park, which is clearly not the intention of the Prior Notification procedure. Oranges are not the only fruit.

10.4.3 As described above the benefits of the more extensive and careful form of forestry undertaken at The Hillyfield for wildlife and landscape are clear, and well aligned with the National Park Purposes and Duty, and have received recognition as such. It is surprising and unreasonable that DNPA should seek to dismiss them in this way.

Reasonable necessity for the building

10.4.4 Such narrow framing of the ‘proper’ nature of management of woodlands on Dartmoor therefore leads DNPA to conclude that:

10.4.5 In the Authority’s view, the workspace and welfare room are not reasonably necessary for the purposes of forestry.... a building for these purposes and of this size seems excessive.

10.4.6 The comments muddle the purposes of the proposed building and its size, but no further comment is made regarding size.

10.4.7 Again DNPA appear to be asserting that there is a ‘proper’ way to manage woodlands on Dartmoor, and that the way in which they are being managed at The Hillyfield, which creates the reasonable necessity for the buildings, is not a ‘proper’ way to do so. There is no contrivance in the way The Hillyfield is managed and worked, however, it is clearly environmentally, socially and economically beneficial, and so we can see no basis for DNPA essentially rejecting it as legitimate forestry with legitimate forestry needs. Each case should be assessed on its merits.

10.4.8 The requirement for covered workspace and welfare facilities was succinctly laid out in the Prior Notification despite there being no requirement to do so. DNPA had the option to ask for more information if they felt it helpful. They, however, chose to form their own conclusions without further communication or seeking further professional guidance.

10.4.9 Specifically, there appears to have been no consideration of the welfare use of the proposed building as all substantive comments focus on the use of the covered workspace.

10.4.10 Overall, DNPA seem to have disregarded the specific attributes of The Hillyfield directly related to the Prior Notification and applied some sort of ‘standard forestry’ template in their consideration, despite their being no justification for this. The comment that ‘a building for these purposes and of this size seems excessive’ may indicate that a smaller building for the purposes may be acceptable to them, but their wider comments do not appear to support such a conclusion.

Timber milling

10.4.11 The Tree and Landscape Officer’s comments:

The building would seem to serve a function for the milling of timber. The wood shown stored in the field is being milled on site with a mobile sawmill. Incidental milling of timber within a woodland is carried out in woodlands, but having a permanent building to serve this purpose is no longer part of the forestry operation, but is considered to be an industrial process.

10.4.12 These comments are confusing, entirely speculative and unfounded.

10.4.13 The proposed building would not be used for the milling of timber. The mill is currently outside the existing covered workspace and would remain outside the proposed one. The owner has constructed a small roof to protect the machine head from the elements when in use outside, and the proposed machinery store located in the Quarry will provide a dry and secure environment for longer term storage when not in active use. The conclusion that the building would be used for milling timber is speculation entirely arising from DNPA, as is the step then taken to suggest that this would mean that the building would be used for ‘an industrial process’.

10.4.14 Being speculation and wrong it is thus irrelevant. However, we wish to add that we are aware of no authority supporting such a view, and that in our clear understanding, covered elsewhere across the appeals, the milling of timber from the site is primary processing and therefore an ancillary forestry activity, whether undertaken outside or under cover.

Isolated development and landscape impacts

10.4.15 The relative isolation of the proposed building is irrelevant in all regards in terms of a Prior Notification and should not be forming part of DNPA's cogitation. We do not understand its appearance in the officer report.

10.4.16 The landscape impacts of the development are only relevant in a Prior Notification should the LPA seek further details of siting design and appearance, which they did not in this case as the process did not progress to this point as DNPA concluded that the building was not reasonably necessary for the purposes of forestry⁶. The comments of the Planning Officer and the Tree and Landscape Officer regarding landscape impact and the policies thus supposedly engaged similarly should not have appeared in the officer report.

10.4.17 In parallel, DNPA have granted full planning permission for a forestry hardstanding in this location, an operational development not without landscape impacts

10.4.18 It is our conclusion that there is a clear reasonable necessity for the building which was the subject of the Prior Notification, despite the various points put forward by the LPA, and that deemed consent is now in place, the LPA having failed to request details of siting, design and appearance within 28 days.

10.5. Why a planning application was not made

10.5.1 Again, DNPA seem to take exception to the fact that having refused to determine the prior notification no planning application was made for the buildings concerned. Once more there are good reasons why Mr King-Smith chose not to make a planning application.

10.5.2 First, he was clear that he did have permitted development rights for the buildings, and therefore that should be the means by which the buildings were consented. Second, should he have made planning applications, there would have been tacit admittance that such permitted development rights were not available, and that the principal of the acceptability of the proposals would have been a primary planning concern. Given that the authority was clear that there was no reasonable necessity for the building, why would they have granted the full planning consent?

10.5.3 The fees for such applications would also been higher, there would have been full consultation on the applications, and should they have been consented there would have been opportunity for the LPA to place conditions on the consent and wider holding.

10.5.4 It is therefore unsurprising an entirely reasonable that Mr King-Smith chose not to make planning applications and to appeal the decision of the authority instead, and it would be entirely disingenuous of the Authority to claim that Mr King-Smith should have reasonably made such applications.

⁶ though full details of siting, design and appearance were provided

11. Refusal of Planning Permission – 3191100

11.1. Description of the proposals

11.1.1 The application (0438/17), validated on 5th September 2017 after lengthy delays, was for a barn of 160m² identical to that applied for under application 0001/17 with the exception that the roofline has been raised by 0.5m to allow for the provision of two four bed dormitories in the roofspace and a simple shower and wash room. It is the addition of this space for the accommodation of volunteer workers which gave rise to the need to apply for full planning permission.

11.1.2 This building will replace the covered workspace, field kitchen, and caravans currently on site, which would be removed once the building was completed.

11.1.3 It is our case on the appeal of the refusal of application 0001/17 that the provision of current workspace and welfare facilities for volunteer workers are development are reasonably necessary to the purposes of forestry on the holding and therefore permitted development. However, as they now form part of a building for which full planning permission is required, the same case for covered workspace and welfare facilities for volunteer workers will be rehearsed here with the addition of the case for accommodation and volunteer workers in the roof space.

11.1.4 The application was refused, despite their being three letters of support and no objections. The Reasons for Refusal (RfR) are:

- 1. The building proposed is not deemed necessary for the management needs of the woodland. The proposal represents unsympathetic development which, by nature of its isolated location, size, scale and residential accommodation, is considered to be detrimental to the character of the area, failing to enhance the special qualities of Dartmoor's landscape, specifically the pastoral character of the fields and the strong medieval field patterns. Furthermore, the proposal fails to respect the tranquillity and remoteness of the site. The proposal is therefore contrary to Policies COR1 , COR 3 and COR8 of the Dartmoor National Park Authority Core Strategy, Policies DMD5 and DMD34 of the Development Management and Delivery Development Plan Document, and the core aim of sustainable development as set out in the National Planning Policy Framework.*
- 2. The development fails to demonstrate that foul water can be adequately dealt with. The proposal is thereby contrary to Policies COR1d, COR3 and COR8 of the Dartmoor National Park Authority Core Strategy, DMD3 of the Development Management and Delivery Development Plan Document, and the environmental element of sustainable development as set out in paragraphs 7 and 17 of the National Planning Policy Framework.*

11.1.5 Thus there are three basic issues raised:

- that the building is not necessary for the management of the woodland
- that the building is unsympathetic to the character of the area
- that foul drainage is not adequately dealt with.

11.1.6 It was also stated at the end of the decision notice:

The Authority's Officers have appraised the scheme against the Development Plan and other material considerations and concluded that the scheme represents a form of development so far removed from the vision of the sustainable development supported in the Development Plan that no changes could be negotiated to render the scheme acceptable and thus no changes were requested.

11.1.7 This does not appear to be a RfR used often by DNPA.

- 11.1.8 These headings items be addressed below.
- 11.1.9 Such faulty reasoning continues in the DNPA Statement of Case, where the LPA appear to clearly confirm that the application was not dealt with on its merits but via generalisation:

The Authority will bring evidence to show that irrespective of the appellant's practices and philosophy on managing the land, when considered objectively from the position of the informed impartial observer, there is no reasonable need or requirement for a building for forestry on the land.

...

The Authority will present evidence of usual commercial forestry practice and will show that the vast majority of forestry enterprises operate without a building on the land, and in particular without permanent welfare facilities for workers.

...

The Authority will consider the need for drying and processing timber to render it marketable. The Authority will show that satisfactory drying can be achieved without the need for a building and that processing can be carried out either on-site in the open-air, or off-site at a dedicated facility.

- 11.1.10 It is also important to note that at no point has it been suggested this building is required for timber drying or most processing. The mobile sawmill is used outside and so the processing use of the building will be only for those smaller scale activities such as those itemised in section 11.2.10.
- 11.1.11 It is surprising that even in January 2018, having visited the site via the new access, the LPA continued to refer to 'lack of a suitable access' in their case., only corrected on 20/02/2018.
- 11.1.12 The Statement of Case omits to mention DMD34.

11.2. Information provided with the planning application

- 11.2.1 The application was supported by a comprehensive planning statement. It included the following information.

Need for the building

- 11.2.2 The nature of the forestry activities at The Hillyfield has been a central issue in discussion over a considerable period of time between the applicant and DNPA. DNPA are very familiar with activities at The Hillyfield and have visited the site many times and hold numerous contextual documents for it.
- 11.2.3 The proposed building has four elements – a welfare space for workers on site, accommodation for them over the welfare space, an enclosed covered workspace with doors, and an open covered workspace with one open side. The two workspaces are indented to be used as one and will be referred to as 'the covered workspace' from here.
- 11.2.4 The Hillyfield benefits from an unusual business model which eschews intensive, mechanised management of the woods in favour of continuous cover management utilising lighter machinery, horses and manpower. At the heart of this approach is the extensive engagement of volunteer labour. Over 4000 person hours are worked by volunteers on average each year. Some volunteers stay for several weeks, others make weekly or monthly visits. All benefit from rewarding work, and some acquire training in and knowledge of woodland management – some are already experienced. Although an unusual model it works well and is not unique to The Hillyfield.
- 11.2.5 Direct benefits of this model are that the woodlands are managed in a far more sensitive and ecologically beneficial fashion as the continuous regeneration of the woods is facilitated and heavy machinery is not used in the woods meaning that soil remains un-

compacted and ground flora and fauna preserved. The local landscape also directly benefits as the character of the woods is maintained, rather than being destroyed by clear felling⁷, and is enhanced over time as the structure and species mix of the woods are improved under active management.

11.2.6 There are also direct economic benefits as there is no imperative to extract timber quickly and in large volumes, and it is handled more gently. Timber is therefore extracted on an ongoing basis. Volunteer labour is key to the primary processing which goes on on site – producing firewood (logs), ‘rocket logs’⁸, and rough sawn timber – mainly planks used for cladding or decking. Processed timber has a far higher value than timber sold ‘in the round’ – up to 10 times greater. At most times one forestry worker is also employed on the holding.

11.2.7 In summary, replacing machines with people at The Hillyfield is an established and proven business approach which has direct benefits to the habitats of the woods, the local landscape, the woodland enterprise and the local economy.

Covered workspace

11.2.8 The covered workspace is a place to work under cover, especially during very foul weather. It will be used (as the current one is) as a central space and meeting space for working groups, both volunteer residential workers and during volunteer days.

11.2.9 On a daily basis it will be used for activities such as:

- storage of hand tools including spades, de-barking irons, mattocks, chains, rope, tree-guards etc.
- re-fuelling of equipment (chainsaw / strimmer)
- general maintenance activities – sharpening of saws, fixing of tools, jobs requiring work-bench / vice / clamps etc.
- timber drying space for useful timber for on-site projects.

11.2.10 In addition, on occasion and mostly in wet weather it will be used for:

- shelter from rain to allow woodland management activities such as stripping wood, sharpening stakes and fence posts, splitting kindling, packing charcoal
- making hurdles, making tree guards, making Rocket-logs, making and fixing tool handles
- fence-making, gate-making and making other things for use around the site.

11.2.11 The space needs to offer both an open-sided space with sufficient clear-span area to be able to strip long lengths of timber, and also so that chainsaws can be used safely whilst under cover (due to noxious fumes), as well as a dry / warm room for activities that require a properly dry environment such as fixing equipment and tools. The enclosed room is also essential for working when weather is really too foul for being outside.

11.2.12 The need for such facilities has already been proven through the benefits and shortcomings of the existing facility (to be replaced with this one) as the centre of operations for operations for work-groups everyday as well as at the monthly volunteer workdays. It is an essential space, central to the site and close to the mobile sawmill providing a covered space to shelter during wet weather, allowing workers to continue to be productive between showers, as well as a workshop space to carry out a variety of tasks connected to the woodland management at Hillyfield.

⁷ with the exception of felling forced due to Statutory Plant Health Notices

⁸ one log bonfires for gardens and events – see <https://www.rocketlog.co.uk/>

11.2.13 All of the uses the covered workspace will be put to are ancillary to the management of the woods and the primary processing of timber, both small and large diameter thus extracted from the site.

Welfare room

11.2.14 The welfare room is needed to provide for the needs of volunteer workers and other workers on site. Its main uses will be for:

- daily meals, tea-breaks etc.
- meetings, inductions & briefings (including site notice board)
- first aid space
- comfortable and (relatively) warm rest space for workers
- electric charging point for personal equipment.

11.2.15 It therefore requires a decent cooking and eating area and rat-proof storage for food and kitchenware.

11.2.16 The European Commission have published a guide to Protecting Health and Safety for Workers in Agriculture, Livestock Farming, Horticulture and Forestry. It is a '*non-binding guide to best practice with a view to improving the application of related directives on protecting health and safety of workers in agriculture, livestock farming, horticulture and forestry.*' and clearly states that

11.2.17'where you employ workers, you will need to provide sanitation and rest arrangements depending on the operation; provision of clean drinking water, canteens or lunch and break areas, toilets, showers and changing facilities, facilities for pregnant and breastfeeding women, communication facilities, a smoking policy' p15

11.2.18'If workers and their families are living on the premises or if the farm is your family's residence, pay particular attention to their safety and health daily needs.'

11.2.19'If your site is visited by schools, tourists or shoppers, remember that they are even more vulnerable since they are not familiar with the site and you are responsible for their safety.' ...

11.2.20 'Migrant workers and seasonal staff should not be overlooked.' p19

11.2.21 It is therefore clear that the provision of welfare facilities is a requirement, not a luxury, for forestry workers.

11.2.22 As for the covered workspace the welfare room is intended to replace a slightly larger existing facility (6.9m x 6.6m in size), located in nearby pasture. This current welfare tent was erected in 2010 with funding from Dartmoor Sustainable Development Fund to encourage and support volunteer activities at The Hillyfield. There is an external table as well as the possibility to sit inside during foul weather.

11.2.23 The crew kitchen is used daily:

- in connection with work on the land as a kitchen for making tea and meals and as a rest-space with several comfortable leather sofas
- for storage for food and kitchen equipment
- for the notice board for workers to make notes and share task lists
- as the location of a first aid box for treating minor accidents. There is the accident book and information on Hillyfield for volunteers.

11.2.24 It is used monthly for the volunteer day as kitchen and eating space.

11.2.25 It is used two or three times a year for the woodland open-days and events taking place at The Hillyfield when a small gazebo is placed at the front from which food is served.

Sleeping accommodation

- 11.2.26 Many of the volunteers working on site do so for periods of several days, weeks or even longer. They therefore need somewhere to stay overnight. They would make use of the kitchen in the welfare room and existing compost toilets, therefore the only additional facilities required are somewhere to sleep and wash.
- 11.2.27 In exchange for their labour The Hillyfield has to take care of volunteer workers – meeting their needs for food and shelter. This is a globally established model as found in schemes such as WOOOF (<http://www.woof.org.uk/>) and Workaway (www.workaway.info). Both are highly successful in providing valuable experience and training for volunteers and work for hosts. Volunteers expect to stay for free.
- 11.2.28 Volunteers are vital to The Hillyfield, however it would completely undermine its business model to then pay for them to be put up in local B&Bs or hotels. A cheaper solution is needed, hence the need to provide accommodation akin to a hostel in site for volunteers who can then be fed from the kitchen in the welfare space. This is a very specific type of residential use, specifically arising from the enterprise on the holding, and we would be very happy for it to be conditioned as such. Further, being part of a building otherwise used for forestry purposes, its residential use will be limited to this also through proximity.
- 11.2.29 At present the only residential use made of the site is by voluntary forestry workers, some of whom live on site whilst working there, and then move on when this work ceases. They currently stay in two caravans stationed on site or sometimes in a yurt. At many times of the year there are forestry jobs to be done under the sort of management regime in place at The Hillyfield.
- 11.2.30 Under the Caravans Act it would be permissible to accommodate the forestry workers on site in caravans for most of the year, removing the caravans from site when they were not required. From the records Mr King-Smith has kept this would amount to no more than a few weeks each year. The caravans could be sited anywhere on site, rather than only at the most sympathetic location as is now the case.
- 11.2.31 The caravans are not, however, removed from site when unoccupied, as this would be logistically onerous. Whilst the caravans currently serve a valuable purpose on the site, it would be preferable to combine the sleeping accommodation with the welfare room so that the needs of the volunteers are met in one place, maximising the utility of one building and minimising landscape impact.
- 11.2.32 A suitable condition to ensure the hostel-type use of the sleeping accommodation could include the requirement for keeping a register of occupants and that the accommodation would not be used as their principal residence.

Location

- 11.2.33 The approved hardstanding in the pasture is the ideal location for both the covered workspace, welfare room and sleeping accommodation.
- 11.2.34 Following a community consultation exercise in December 2012 with local community residents in Harbournford, a commitment was made to move all noisy activities of processing timber away from the village and further into the woods. This was followed up by a questionnaire that demonstrated the support of village residents for this agreement.
- 11.2.35 This Location also allows for access to running water, essential for running some of the machines and timber cleaning activities.
- 11.2.36 For the kitchen the location also allows for access to running water from a spring which runs all year, there is only one other such spring at Hillyfield. The site is approximately central to all work areas and close to the compost toilet and volunteer workers' accommodation which proves optimally functional in the working day, especially when needed for health and safety purposes, or taking quick tea and meal breaks.

11.2.37 Overall the building will remove the need for the separate covered workspace, currently located in the woodland to the north west, the welfare tent in the meadow and the two touring caravans sited immediately to the north, siting all of these uses beside the main timber handling area for the holding.

Landscape

11.2.38 In the officer report on Prior Notification 0001/17 the officer noted:

11.2.39 The landscape character of the area is set out in the comments of the Tree and Landscape Officer and although not in public view, an isolated building of this size would have an adverse impact on the character of the landscape and if that planning application is made, would be considered contrary to policy DMD5 as well as policies COR1, COR3, DMD1a, DMD3 and DMD7.

11.2.40 These matters were not relevant to a Prior Notification and appear to be pre-empting a planning application.

11.2.41 The character of the landscape in this location is a flood plain meadow – a natural pastoral landscape character. A barn is a commonplace feature of such a local landscape, managed, not an alien one, and the proposed barn is not excessively large (20m x 8m x 6m) and is to be located beside the now approved hardstanding in the same area (52m x 26m).

11.2.42 The site is not visible from any public vantage point or private houses.

11.2.43 It is an unusual situation to be making a planning application for a barn which the LPA have already stated is unacceptable via an inappropriate route. We also find their position inconsistent with that on application 0076/16 - full planning consent for an agricultural barn of similar size, in the same valley and adjacent to The Hillyfield, visible from public vantage point, also not grouped with other buildings. The building was for the storage of fodder and for lambing on a 11 acre (4.5ha) holding.

11.2.44 The Tree and Landscape Officer made no comment.

11.2.45 The LPA should behave consistently.

11.3. Policy

11.3.1 Policies DMD5 and DMD34 are of greatest relevance. DNPA also draw on COR1, COR3 and COR8.

11.4. DNPA's Faulty Perspective

Necessity for the Building

11.4.1 The case officer notes in the officer report:

The applicant's sensitive, less-intensive methods of woodland management are to be commended, however, as was set out in the previous prior notification applications, it is still the view of the Authority that the building proposed, particularly as it now includes residential accommodation, is not necessary for the forestry management. Many of the activities stated to be proposed for the building are not necessary for the management of the woodland but are more additional/desirable activities (drying of logs for firewood, splitting of logs and so on). It is considered these activities could be carried out off site. Whilst commendable and providing additional benefits, the open days and training events are also not considered necessary for the forestry management of this site.

11.4.2 The NPA's Tree and Landscape Officer (TALO) is a key consultee in this case. He notes that forestry operations are, by nature, cyclical and does not feel there is a need for a permanent building of the nature proposed to meet the forestry management needs of this relatively small woodland; accordingly, there is no need for permanent residential accommodation.

11.4.3 Thus, the LPA, whilst commending the less intensive and mechanised management approach adopted on the holding, do not consider the building necessary, despite being furnished with detailed justification of why the provision of such a building is integral to this management approach. The TALO further asserts that forestry operations are cyclical and therefore no permanent facilities are needed on site. In his own comments he goes further:

The application is for a forestry building. However, it is a mixed use building and I would question the need for a permanent building of this type and use for forestry purposes. Forestry by its nature is cyclical and seasonal and in my opinion there is no requirement for a permanent building of this type to meet the forestry needs of this relatively small woodland. Also I see no justification in forestry terms for permanent residency to meet the management needs of this woodland.

11.4.4 All uses of the building, however, have been carefully justified as either directly necessary for or ancillary to forestry operations on site. Having questioned the need for the building, answers were available, however the TALO relies, instead, on generalised assumptions about the nature of forestry and the size of the holding in relation to these. It is also stated that there is no justification for 'permanent residency', despite justification being given for accommodation for volunteers.

11.4.5 The LPA appear to have made a significant flaw in their reasoning here. Whereas the prerequisite for a Prior Notification is 'reasonable necessity' for the proposals, this was a full planning application, where the LPA was being asked to consider the full and detailed merits of the building in terms of its roles in the specific management approaches taken at The Hillyfield. Thus the generalised application of 'rules of thumb' is not sufficient. Engagement with the specific proposals, and the justification for them, is necessary, but does not appear to have taken place from the officer report or the comments of the TALO. Indeed, the officer report concludes '*Noting that the woodland is under active management, the conclusion is drawn that there is no requirement for a building of this type to meet those management needs.*', which flies in the face of all of the evidence provided with the application, none of which is evaluated in any detail.

11.4.6 This stance is in stark contrast to that originally taken by the LPA's Woodland Officer's views expressed in an internal memo in June 2009, when the principle of a woodland sawmill and on-site processing was strongly supported because of both its management and local economic benefits.

11.4.7 Further, the TALO officer ignores DMD34 in his reasoning, as does the case officer. This is important – Plans contain specific policies such as DMD34, in this case supporting the development of agricultural and forestry buildings, in recognition that they will be acceptable under the more general policies of the Plan, subject to provisions of the specific policy.

11.4.8 Excluding the residential element of the development, this policy provides seven criteria for the assessment of proposals such as this. In our view criteria i) to vii) are satisfied as follows:

- (i) there is a demonstrable need that is proportionate to the use of the land
 - this was clearly laid out in the Planning Statement supporting the application
- (ii) it relates well to local landscape features and other building groups
 - Lyndis Cole's proof explains the sympathetic relationships to local landscape features. There are no nearby building groups
- (iii) it is located and oriented with respect to local topography so as to reduce intrusive effects;

- Lyndis Cole's proof explains how the building is well recessed into the local topography
- (iv) it demonstrates a scale and form that is well related to its function
 - this was clearly laid out in the Planning Statement supporting the application
- v) it will not cause unacceptable harm to biodiversity, geodiversity and archaeological and cultural heritage assets, natural drainage or soil stability
 - there is no suggestion that the building will cause any harm to biodiversity, geodiversity, natural drainage or soil stability. Although the TALO asserts that there will be harm to archaeological and cultural heritage assets, specifically the field pattern, this is refuted by Lyndis Cole
- (vi) efficient use is made of existing buildings
 - this is not applicable
- (vii) existing non-traditional structures made redundant by the proposed development are removed
 - this is not applicable.

11.4.9 The policy excludes residential development, as that is envisaged as being dwellings for agricultural or forestry workers. The Plan does not anticipate the hostel-type accommodation needed by the Hillyfield, which should therefore be evaluated on its exceptional merits.

11.4.10 Furthermore, that the application was for full planning consent means that the LPA was in a position to place appropriate conditions on the use of the building in relation to the specific circumstances and requirements arising at The Hillyfield.

11.4.11 One opportunity to do this arises from the existing Forestry Commission Management Plan for the site. This is a comprehensive document, independently produced, and it and its successor Management Plans could be tied to any consent for the building via a s106 agreement. This would ensure the ongoing management at The Hillyfield which justifies the building and its various uses.

Impact on Character of the Area

11.4.12 The case officer notes in the officer report:

It is noted the application site lies within a small field, somewhat already compromised by the approved hardstanding and creation of ponds; the site is remote and isolated. The field system in this area is thought to be mid to late medieval, and whilst some hedges have been removed to create larger fields, the field system is largely intact. Local Plan Policy DMD5 requires proposals to conserve and/or enhance the character of Dartmoor's landscape; the proposal fails to do this, in that it will have a detrimental impact upon the historic field system and pastoral character of the area, failing to respect the tranquillity and remoteness of the site. The TALO notes a refusal of a similar building on land to the south (Court Gate Farm) whereby the resultant appeal was dismissed by the Inspector noting that the development would not be consistent with the principle objectives of the Core Strategy, not respecting the highly valued attributes of the landscape character, or conserving the National Park. In this appeal, it was emphasized that National Parks have the highest status of protection in relation to landscape and scenic beauty, and that isolated buildings that impact upon the character of the landscape are not compatible with the purposes of National Park designation.

11.4.13 The TALO comments:

The site is located within a small field with broadleaved woodland growing along the valley sides enclosing the site. The land immediately around the site is undulating agricultural land comprising small to medium sized fields enclosed by Devon hedge banks. Isolated and linear groups of trees are growing on these hedge banks. Broadleaved woodlands growing along shallow valleys are a feature of this landscape. There is a sparse settlement pattern with small hamlets, villages and isolated farmsteads. Winding lanes bounded by high hedges thread across the landscape. This is a mainly pastoral landscape, but it does include fields used for arable production. The site is an isolated tranquil valley flanked by ancient woodland. The A38 is a dominant feature along the boundary of the National Park, but the road has little influence on this site. The site is remote and isolated.

The Landscape Character Assessment for Dartmoor National Park identifies valued attributes for Inland Undulating Elevated Land as;

- *An intricate, 'patchwork' landscape of productive farmland, woods, small settlements and rural lanes.*
- *Gently rolling topography dissected by small streams.*
- *Bands of mixed and broadleaved woodlands, along with patches of neutral and marshy grasslands.*
- *Strong medieval field pattern on lower slopes and valley floors.*
- *Pastoral character with patches of rough grazing serving as a reminder of the close proximity of the moorland.*
- *Scattered villages, hamlets and farmsteads linked by a network of narrow winding lanes.*

The proposed development will have a detrimental impact on the character of the area. This is an isolated development with no links to other buildings.

The development will be contrary to policy COR 1 in that it does not respect or enhance the character, quality or tranquillity of the local landscape. It is contrary to policy COR 3 in that the development does not conserve or enhance the characteristic landscapes and features that contribute to Dartmoor's special environmental qualities. The development is also contrary to DMD 5 because it does not conserve/or enhance the character and special qualities of the Dartmoor landscape by respecting the valued attributes of the Dartmoor landscape, specifically the pastoral character of the fields and strong medieval field pattern. The building will not respect the tranquillity and sense of remoteness of the site. The development because of its design, scale and layout will not conserve or enhance the characteristic landscape of the National Park.

The development does not enhance what is special or locally distinctive about the landscape character, and it is an unsympathetic development that harms the wider landscape.

11.4.14 Information provided with the planning application stated that character of the landscape in this location is a valley bottom meadow – a natural pastoral landscape character, and that a barn is a commonplace feature of such a local landscape – a patchwork of farmland and woods. It was also noted that the site is not visible from any public vantage point or private houses.

11.4.15 The building is not large, and sited to be recessed into the edge of the field, beside an existing bank, adjacent to woodland. It would face immediately onto the approved hardstanding. The siting of the building would not change the pattern of the field system, and no additional hedge banks are proposed, as those proposed for the hardstanding were conditioned out by the LPA.

- 11.4.16 Lyndis Cole's proof deals with these matters in detail and concludes that the building causes no landscape harm of significance, and brings considerable landscape benefits in consequence of the management practices it enables.
- 11.4.17 The site is, of course, relatively isolated, as it is in a wood, but it is to be expected that functional rural buildings such as this appear away from settlements – this cannot be an in principle objection as often such buildings are necessary and beneficial to wider land management and the rural economy, and are therefore part of pastoral landscapes. We cannot see how the building impacts further on tranquillity, as it is replacing two other structures in the vicinity, nor do we feel that remoteness is a strong characteristic of the site, or that the presence of the building would impact negatively on this, especially in comparison with the A38 in close proximity.
- 11.4.18 It is understood that the LPA consider the existing covered workspace, field kitchen and caravans unauthorised and unacceptable, but we disagree and consider some form of covered workspace, welfare facilities and sleeping accommodation essential for the undeniably high standard of management of the woodland holding.
- 11.4.19 In addition, the considerable landscape benefits of the particularly sensitive type of woodland management practiced at The Hillyfield, which are reliant on such a building (its various uses being currently accommodated elsewhere in site), are completely overlooked. These benefits are considerable, greatly outweighing any potential minor negative impacts of the new building, and are material considerations. The removal of the field kitchen covered workspace and caravans from other parts of the site and their replacement with the building are also a minor landscape gain, which should also have been taken into account in determining the application.
- 11.4.20 Thus there is no conflict with COR1 – indeed there is support, including on the issues of economic and social well being and vitality, and conservation of natural resources. Nor does COR1 require proposals to enhance landscape and other features – it requires *'respect for and enhancement of the character, quality and tranquillity of local landscapes and the wider countryside'* to be taken onto account. Thus the TALO's comments, the officer report, and the RfR are misdirected in this regard.
- 11.4.21 COR3 does require that *'Development will conserve and enhance the characteristic landscapes and features that contribute to Dartmoor's special environmental qualities'* which include woodlands, trees and orchards and wildlife habitats, all of which the management of The Hillyfield facilitated by the building strongly supports. The building itself does not have a harmful landscape impact.
- 11.4.22 Similarly DMD5 requires that *'Development proposals should conserve and/or enhance the character and special qualities of the Dartmoor landscape'* which the management of The Hillyfield facilitated by the building, again strongly contributes to, and again building itself does not have a harmful landscape impact.
- 11.4.23 We struggle to see the relevance of COR8 to the proposals as it addresses the efficient and sustainable use of natural resources through issues such as passive solar design, renewable energy systems, sustainable drainage, flooding, and waste management. However, the management of The Hillyfield facilitated by the building does provide *'opportunities for the beneficial management of strategic nature areas and other habitats and species to promote adaptation to climate change and to sustain their contribution to the mitigation of climate change.'*, and therefore appears supported by the policy.
- 11.4.24 Should it be found that the building does have an adverse impact on the local landscape then there are important material considerations in the planning balance which nonetheless favour it being approved. These include:
- the very considerable landscape benefits arising from the management practices and activity the building enables

- the considerable ecological benefits arising from the management practices and activity the building enables
- the considerable benefits to those volunteering to work on site, including gaining work experience, enjoying meaningful work, and limited training opportunities
- the benefits to members of local communities, and visitors from further afield in being able to visit and enjoy the site, including the facilities provided by the building
- the benefits to members of local communities, and visitors from further afield being able to access training and attend courses on site, including the facilities provided by the building
- the benefits to the local economy of employment provided on site and forestry and agricultural produce being made available in the local economy, including the facilities provided by the building
- the building being an exemplar of sustainable construction, the majority of materials being sourced from the holding
- the building being an exemplar of 'off grid' development able to serve the needs of a progressive woodland business.

Foul Drainage

11.4.25 Foul drainage is required for grey water only – from the kitchen and shower room. It was stated in the Planning Statement that:

There is an existing compost toilet for faeces and urine. Grey water from the kitchen sink and shower room will be processed via a horizontal reed bed system to the south of the building.

11.4.26 This is an appropriate low impact solution for such a site. The application was validated, which included taking foul drainage into account. No consultee response on foul drainage was forthcoming. It would have been entirely within normal practice for the LPA to seek further details of the system in the determination process, should that have been thought necessary, or to condition pre-approval of such details. The suggestion that '*no changes could be negotiated to render the scheme acceptable and thus no changes were requested.*' is therefore questionable.

Consistency

11.4.27 The officer report dismisses the comparison made with consent for a barn in the locality on the grounds that '*this can have no bearing on the current application as every application is dealt with according to the merits of that case*', but then goes on to note that '*The TALO notes a refusal of a similar building on land to the south (Court Gate Farm) whereby the resultant appeal was dismissed by the Inspector noting that the development would not be consistent with the principle objectives of the Core Strategy, not respecting the highly valued attributes of the landscape character, or conserving the National Park. In this appeal, it was emphasized that National Parks have the highest status of protection in relation to landscape and scenic beauty, and that isolated buildings that impact upon the character of the landscape are not compatible with the purposes of National Park designation.*'. The LPA needs to make up its mind whether comparisons with similar cases are relevant or not. We believe that they are, where the merits are comparable, and on that basis suggest that the case we have drawn attention to is highly relevant, whereas that cited by the LPA is on open upland pasture and therefore of limited comparability to the merits of this proposal.

11.5. Reasons for Refusal

11.5.1 The RfR are:

3. *The building proposed is not deemed necessary for the management needs of the woodland. The proposal represents unsympathetic development which, by nature of its isolated location, size, scale and residential accommodation, is considered to be detrimental to the character of the area, failing to enhance the special qualities of Dartmoor's landscape, specifically the pastoral character of the fields and the strong medieval field patterns. Furthermore, the proposal fails to respect the tranquillity and remoteness of the site. The proposal is therefore contrary to Policies COR1, COR 3 and COR8 of the Dartmoor National Park Authority Core Strategy, Policies DMD5 and DMD34 of the Development Management and Delivery Development Plan Document, and the core aim of sustainable development as set out in the National Planning Policy Framework.*
4. *The development fails to demonstrate that foul water can be adequately dealt with. The proposal is thereby contrary to Policies COR1, COR3 and COR8 of the Dartmoor National Park Authority Core Strategy, DMD3 of the Development Management and Delivery Development Plan Document, and the environmental element of sustainable development as set out in paragraphs 7 and 17 of the National Planning Policy Framework.*

11.5.2 For clarity, the RfR are rejected as follows:

- *The building proposed is not deemed necessary for the management needs of the woodland.*
 - It is important that the RfR refers to 'the woodland' rather than woodland in general, and also that the needs of the woodland were laid out in very clear detail in the application and as covered under the heading **Necessity for the Building** above.
- *The proposal represents unsympathetic development which, by nature of its isolated location, size, scale and residential accommodation, is considered to be detrimental to the character of the area, failing to enhance the special qualities of Dartmoor's landscape, specifically the pastoral character of the fields and the strong medieval field patterns.*
 - Lyndis Cole's proof is clear that the building is not harmful to the character of the area, and taken with the benefits which the building enables, is strongly beneficial to the character of the area as covered under the heading **Impact on Character of the Area** above.
- *Furthermore, the proposal fails to respect the tranquillity and remoteness of the site.*
 - It is disputed that the site is either tranquil or remote, as covered under the heading **Impact on Character of the Area** above.
- *The proposal is therefore contrary to Policies COR1, COR3 and COR8 of the Dartmoor National Park Authority Core Strategy, Policies DMD5 and DMD34 of the Development Management and Delivery Development Plan Document,*
 - There is no conflict with COR1 as paragraph 11.4.20 explains, and in addition the LPA have misconstrued their own policy
 - COR3 is also satisfied, as paragraph 11.4.20 explains
 - COR8 appears tangential, as paragraph 11.4.23 lays out
 - DMD5 also appears satisfied (paragraph 11.4.22)

- DMD34 appears comprehensively successfully addressed as paragraph 11.4.8 itemises in detail, even though the officer comments and report ignore this policy
- ... and the core aim of sustainable development as set out in the National Planning Policy Framework.

- this is a very sweeping generalisation, especially when the NPPF defines sustainable development in the following terms:

The purpose of the planning system is to contribute to the achievement of sustainable development. The policies in paragraphs 18 to 219, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

However, this is then summarised as follows:

There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- *an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*
- *a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and*
- *an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.*

Whilst the economic contributions likely to arise from the proposed building are modest, but locally significant, the social and environmental benefits are considerable, and so we struggle to align the LPA's generalised comments with even the summary content of the NPPF both because of the innocuous nature of the building and its minimal impacts, and the considerable benefits the management and commercial forestry activities it enables.

- *The development fails to demonstrate that foul water can be adequately dealt with. The proposal is thereby contrary to Policies COR1, COR3 and COR8 of the Dartmoor National Park Authority Core Strategy, DMD3 of the Development Management and Delivery Development Plan Document, and the environmental element of sustainable development as set out in paragraphs 7 and 17 of the National Planning Policy Framework.*
 - The LPA is begging the question here as paragraphs 11.4.25 and 11.4.26 explain – it is not that no solution was provided. The LPA could also have quite reasonably conditioned this element of the proposals. COR1, COR3 and COR8 make no mention of foul drainage, though COR1 addresses surface water drainage (which this is not). Similarly DMD3 addresses

surface water drainage. Nothing in paragraphs 7 to 17 of the NPPF addresses foul drainage. These matters are addressed in the National Planning Practice Guidance.

- It was also stated at the end of the decision notice, *'The Authority's Officers have appraised the scheme against the Development Plan and other material considerations and concluded that the scheme represents a form of development so far removed from the vision of the sustainable development supported in the Development Plan that no changes could be negotiated to render the scheme acceptable and thus no changes were requested.'* This is an unusual addition, which we again are struggling to understand the purpose of. From the above it is clear to us that the proposals are not *'so far removed from the vision of the sustainable development supported in the Development Plan'* nor National Policy that *'no changes could be negotiated to render the scheme acceptable'*. First, the LPA basically appear to have misconstrued the proposals as akin to a prior notification instead of a full planning application to be assessed on its full and detailed merits, and second they have overlooked clear elements of policy support for the proposals in both their own policies and national policy. The inclusion of this statement is curious and unreasonable.

12. Comparable Cases

12.1. Forestry Buildings

- 12.1.1 Mr King-Smith details three examples from Dartmoor National Park, and one from the Lake District, two from the New Forest, and one from the South Downs of approved prior notifications for forestry buildings for the storage of machinery and of drying timber. These show that, far from being an unusual requirement, the need for forestry buildings arising at The Hillyfield is normal and allowable under permitted development in similar National Park cases, including on Dartmoor.
- 12.1.2 An example is also provided from the South Gloucestershire AONB and two others from locations not in protected landscapes.
- 12.1.3 This is all very much as we would expect to find in general planning practice, at which point we must reiterate unusually obstructive approach the NPA appears to be taking for this particular holding.

12.2. Hillyfield Farm

- 12.2.1 In 2016 the NPA consented, under a full application, a 18.7m x 6.1m barn for livestock shelter and the storage of fodder. The officer report comments:
- The building would be screened from the north and west by a row of mature trees which are growing on the boundary to the garden. Although the building would not be directly grouped with other buildings this is partly because there are few other buildings on site to link to.... A building in this location would be discreet in the landscape and clearly associated agricultural enterprise being re-established.*
- (sic)
- 12.2.2 The common appendix contains details of the application and photographs of the barn, now erected.
- 12.2.3 To us the consenting of this barn reveals a basic inconsistency in approach. The holding appears to be too small to have benefited from permitted development rights, yet a relatively large barn has been granted for planning consent. Furthermore, the enterprise appears yet to be established. Last, whilst the building is relatively reassessed in the landscape, it arguably has equivalent or greater landscape impact than many of the barns sought at The Hillyfield.

12.3. Higher Beara

- 12.3.1 Although the officer report refers to this case as Court Gate Farm, the appeal reference in the TALO Officer's comments is for Higher Beara (2224932).
- 12.3.2 In dismissing the appeal the Inspector commented:
- The proposed agricultural building would be about 18 metres long, 9 metres wide and 3.6 metres high at the eaves, rising to 4.8 metres at the ridge. It would be a simple structure of a standard pattern. No thought has been given to the scale and form of traditional local farm buildings and a building of this nature would be an incongruous feature, undermining the cultural value of the landscape. The building would be located at the highest point of the land, away from other building groups, and would be seen in this exposed setting as an isolated and visually intrusive feature in the patchwork landscape of small fields. It would be visible above the roadside hedge and constructing a hedge in front of it as suggested would serve only to draw attention to the disruption of the local field pattern.*
- 12.3.3 The NPA subsequently allowed two barns, lower down the field, as shown in the common appendix.

12.3.4 To us, in comparison to the barn / multipurpose building sought at The Hillyfield, the consented barns are more considerably more prominent in the landscape and from public vantage points. The sites are also quite different – that at The Hillyfield being lowland, valley bottom and adjacent to woods, and that at Higher Beara being upland and open fields. We cannot see that the NPA's case gains any strength from this comparison.

13. Conduct of the Authority

- 13.1.1 As Mr King-Smith's proof and appendices lay out, the LPA's conduct in respect of the Hillyfield has been inconsistent and unreasonable. This includes in communications, taking account of expert advice, failure to follow established national and local procedures, and poorly drafted documents.
- 13.1.2 This behaviour has resulted in considerable confusion, strain and the need for external support for Mr King-Smith.
- 13.1.3 These matters will be the subject of a costs application.

14. Concluding Remarks

14.1. Policy Context

14.1.1 England's National Parks are IUCN Category 5 Protected Landscapes⁹, defined as:

A protected area where the interaction of people and nature over time has produced an area of distinct character with significant ecological, biological, cultural and scenic value: and where safeguarding the integrity of this interaction is vital to protecting and sustaining the area and its associated nature conservation and other values.

14.1.2 These are a global family of Protected Landscapes, for which the primary management objective is defined as:

- *To protect and sustain important landscapes and the associated nature conservation and other values created by interactions with humans through traditional management practices.*

14.1.3 And other objectives are:

- *To maintain a balanced interaction of nature and culture through the protection of landscape and associated traditional management approaches, societies, cultures and spiritual values*
- *To contribute to broad-scale conservation by maintaining species associated with cultural landscapes and/or by providing conservation opportunities in heavily used landscapes*
- *To provide opportunities for enjoyment, well-being and socio-economic activity through recreation and tourism*
- *To provide natural products and environmental services*
- *To provide a framework to underpin active involvement by the community in the management of valued landscapes and the natural and cultural heritage that they contain*
- *To encourage the conservation of agrobiodiversity*
- *To act as models of sustainability so that lessons can be learnt for wider application.*

14.1.4 From this it can clearly be seen that Category 5 Protected Landscapes are the product of interaction between the environment and humans, and therefore that their reproduction requires socioeconomic activity. These are not wildernesses – they require management and part of their DNA is that people live and work in them, and visit, and enjoy them. They are also expected to be exemplars of sustainability.

14.1.5 The National Park purposes reflect this, as does the Duty. These are matters of legislation not policy.

14.1.6 The NPPF is somewhat narrower in its focus on conservation of landscape (paragraph 115.), however the 2010 Circular strongly picks up these objectives in setting a vision for the National Parks, and in directing the approach of National Park Authorities to National Park special qualities, understanding and enjoyment of the special qualities, sustainable development, outdoor recreation, and vibrant, healthy and productive living and working communities. So too does the Dartmoor National Park Core Strategy and Development Management and Delivery Development Plan Document.

⁹ and seascapes, removed from the quotations as not relevant in this instance

14.2. The Hillyfield – an Exemplar

- 14.2.1 Against this background, as attested by Lyndis Cole, Stephen Lees, Guy Watt, and evidenced in the numerous awards and plaudits received by Mr King-Smith / the holding, The Hillyfield appears as an extemporary case for low impact and traditional woodland management, landscape restoration, support for biodiversity and biocapacity, building the local economy, community engagement and participation, wider education linked to the practices on site, and dissemination of good practice and innovation. The considerable support his activities, applications and appeal have garnered from the local community and further afield clearly attest to this also.
- 14.2.2 In short, what goes on at The Hillyfield appears to be exactly the sort of thing that international, national, and local policy and guidance encourage and support in National Parks.
- 14.2.3 The question, then, is why DNPA appear to be so obstinately opposed to the management approach at The Hillyfield and what is required to support it, key elements of the woodland enterprise (chiefly adding value), and other ancillary and incidental activities which are clearly well related to forestry and agriculture and directly further the second Purpose and the Duty.
- 14.2.4 Taking the evidence of Mr King-Smith, Lyndis Cole, Stephen Lees, Guy Watt, and the comments of others into account, working through the matters raised by the two enforcement notices, two prior notifications and the planning application, and having a good understanding of National Park management and planning, we are at a loss to explain the NPA's position and actions.
- 14.2.5 Woodlands are clearly a vital part of the special qualities of the Park, as the National Park Management Plan details. This is nowhere made clearer than in the following quotation, repeated from Chapter 3, above:
- The large areas of semi-natural woodland in the National Park were once managed, but decline in the demand for coppice products and cheap imports of softwood timber have reduced the economic incentives for traditional woodland management. Nevertheless, the situation is changing. Rise of the Far East economies has and will continue to have an effect on timber markets with improved prices for home-grown timber, and in the UK new markets will emerge through demands for woodfuel. Rejuvenation of the wood and timber markets will need to be directed to those woodlands where management will bring maximum benefits, as identified through woodland management plans, especially Plantations on Ancient Woodland Sites (PAWS).*
- 14.2.6 The Hillyfield is very clearly a candidate for such management, both because of the innovative and effective management and enterprise approaches taken, and the landscape and ecological benefits arising. In contrast the NPA have consistently asserted that the management of the holding should be occasional and mechanised, buildings required for a more continuous management approach are not necessary, nor are those for adding value to timber, and that the use of volunteers sleeping on site as one of the platforms for the management approach is essentially invalid.
- 14.2.7 Yet the considerable benefits of the totality of the current and envisaged management approaches are already very evident. In addition, the modest educational and recreational activities on site are entirely complementary and innocuous.
- 14.2.8 The NPA's primary concerns appear to be of landscape harm, which seem to be both highly exaggerated and also narrow in that they consistently fail to take into account the landscape benefits of the management of the holding as a whole, which is clearly a material consideration.

- 14.2.9 Further, their conception of the reasonable necessity for development on site is based on generalisation and apparent rules of thumb, rather than being based on the specific needs of the holding and the practices engaged there. Narrow once more.
- 14.2.10 This approach persisted even into consideration of a full planning application where there was clear opportunity to consider The Hillyfield as a specific case, and permit and control development on that basis. Yet the NPA inexplicably defaulted to generalisation once again.
- 14.2.11 The enforcement notices, also, appear to be based on suspicion and assumption rather than hard evidence. The alleged change of use, with the exception of the residential use, has not occurred. The residential use is very specific to the needs of the Hillyfield, yet this point is not engaged with. The lorry body, lorry, compost toilets, yurt platform and field kitchen all appear immune from enforcement action, yet the LPA has enforced against them.
- 14.2.12 This leaves only the covered workspace and drying barns susceptible to enforcement, both of which are used directly ancillary to the forestry use of the site and for no other purposes.

14.3. Resolution

- 14.3.1 The principal issues before the Inspector are:
- whether a machinery store and wood drying barn are reasonably necessary for the purposes of forestry at The Hillyfield
 - whether a covered workspace and welfare facilities are reasonably necessary for the purposes of forestry at The Hillyfield, or otherwise merit planning consent
 - whether sleeping accommodation for volunteers working at The Hillyfield merits planning consent
 - whether compost toilets for all users of The Hillyfield either merit planning consent or are immune from enforcement action.
- 14.3.2 The lorry and lorry body, temporary wood drying barns, caravans, yurt platform and covered workspace will all no longer be necessary and will be removed should the two barns in the quarry and the multipurpose building be consented.
- 14.3.3 The LPA, therefore, have had everything they required before them to resolve matters at The Hillyfield in a fashion which appears to us entirely reasonable and well aligned with policy and guidance.
- 14.3.4 The LPA, however, have persistently chosen to misconstrue the nature of the bona fide forestry management and enterprise, instead holding in their minds general assumptions about forestry management and enterprises and applying them to the specifics of The Hillyfield. This is not how prior notifications should be evaluated, and to do so for a full planning application is clear misdirection.
- 14.3.5 As rehearsed at length above, the management and enterprise at The Hillyfield are not normal or average – they are exceptional, and in that respect unusual, even extemporaneous. That the LPA have been highly reluctant to recognise and engage this explains many of their actions and decision, but not why they have chosen to take such a perspective and approach, in the light of the wealth of policy and guidance supporting what happens at The Hillyfield, or even on a common sense basis. We remain unable to explain the LPA's approach and actions in any reasonable way.
- 14.3.6 On this basis we suggest that there is ample support and justification for the Inspector to:
- find that the machinery store and wood drying barn are reasonably necessary for the purposes of forestry at The Hillyfield

- find that a covered workspace and welfare facilities are reasonably necessary for the purposes of forestry at The Hillyfield, and that sleeping accommodation for volunteers working at The Hillyfield, properly controlled by condition, merits planning consent, and therefore to grant consent for the multi purpose building, requiring removal of all replaced structures
- that the compost toilets are immune from enforcement action and will remain.

14.3.7 We respectfully ask the Inspector to agree.

15. Conditions

15.1.1 Planning conditions would only be applicable in the case of the two Ground A appeals and Appeal 3191100.

15.2. Appeal 3146596 - Ground A

15.2.1 We suggest that the nature and extent of the educational and recreational mixed use be subject to the following condition:

The mixed educational and recreational use of the site hereby permitted shall be limited to:

- **no more than 56 days in total, including days used for setup and pack down**
- **at least 49 of those 56 days having a direct connection to the forestry and agricultural use of the site, including days used for setup and pack down**
- **no single event having a duration of more than seven days, including days used for setup and pack down**
- ***unless otherwise agreed in writing by the Local Planning Authority***

15.2.2 We suggest that the residential element of the mixed use be subject to the following condition:

The residential use of the caravans and yurt hereby permitted shall be subject to the following restrictions:

- **they shall only be occupied by those working as volunteer workers on the holding and their dependents**
- **they shall not be occupied by anyone (and their dependents) for a period of more than four consecutive calendar months**
- **they shall not be occupied by anyone as their principal residence**
- **a register will be kept of all occupants of the caravans and yurt recording the duration of their stay, their activities undertaken on the holding, and their principal residence address**
- ***unless otherwise agreed in writing by the Local Planning Authority***

15.2.3 We suggest that the lorry body, and lorry be subject to the following condition:

The storage use of the lorry and lorry body hereby permitted shall only be used for purposes ancillary to the forestry use of the holding.

15.2.4 We suggest that the field kitchen be subject to the following condition:

The use of the field kitchen hereby permitted shall only be used for purposes ancillary to the permitted mixed forestry, agriculture, educational and recreational use of the holding.

15.2.5 We suggest that the covered workspace be subject to the following condition:

The use of the covered workspace hereby permitted shall only be used for purposes ancillary to the forestry use of the holding.

15.3. Appeal 3146597 - Ground A

15.3.1 We suggest that the barns be subject to the following condition:

The use of the barns hereby permitted shall only be used for purposes ancillary to the forestry use of the holding.

15.3.2 We suggest that the compost toilets be subject to the following condition:

The use of the compost toilets hereby permitted shall only be used for purposes ancillary to the permitted mixed forestry, agriculture, educational and recreational use of the holding.

15.3.3 We suggest that the timber platform be subject to the following condition:

The use of the timber platform hereby permitted shall only be used for purposes ancillary to the permitted mixed forestry, agriculture, educational and recreational use of the holding.

15.4. Multi Purpose Building - 3191100

15.4.1 We suggest that the use of the building be subject to the implementation of the Forestry Commission Management Plan for the holding:

Prior to the first occupation of the building a Forestry Commission approved Management Plan for the holding will be submitted to the Local Planning Authority, and the management of the holding carried out in accordance with the provisions of that Management Plan following first occupation of the building. At least six months before the expiry of any Management Plan a successor Forestry Commission approved Management Plan will be submitted to the Local Planning Authority and the management of the holding carried out in accordance with the provisions of the successor Management Plan following the expiry of its predecessor.

15.4.2 We suggest that the residential element of the building be subject to the following condition:

The residential use of the building permitted shall be subject to the following restrictions:

- they shall only be occupied by those working as volunteer workers on the holding and their dependents
- they shall not be occupied by anyone (and their dependents) for a period of more than four consecutive calendar months
- they shall not be occupied by anyone as their principal residence
- a register will be kept of all occupants of the caravans and yurt recording the duration of their stay, their activities undertaken on the holding, and their principal residence address
- *unless otherwise agreed in writing by the Local Planning Authority*

15.4.3 We suggest that the foul drainage system for the building be covered by the following condition:

Prior to the commencement of the development hereby permitted details of the system of foul drainage for the building shall be submitted to and approved in writing by the Local Planning Authority.