

Working in Partnership



Agenda Item 13

Report PC

Report to Planning Committee

Date of Committee 17 June 2016

By Director of Planning

Local Authority Chichester District Council

Application No: SDNP/15/06493/FUL

Validation Date 29 January 2016

Target Date: 25 March 2016

Applicant: Mr Alexander Baker

Proposal: Construction of farm house.

Site Address Hillgrove Stud Farm London Road Northchapel West Sussex

GU28 9EQ

Purpose of Report The application is reported to Committee for a decision

Recommendation: That the application be approved for the reasons and subject to the conditions set out in paragraph 10.1 of this report.

Reason for Committee Referral: Parish Objection – Officer recommends permit

Executive Summary

The proposal to replace the existing residential mobile home with a permanent dwelling is supported in functional terms and on the basis of continued investment and growth in this enterprise. The siting represents the least harm to landscape character and seen in the context of existing farm buildings. Its relatively modest size, appropriate design, and careful use of materials will ensure that the dwelling would be more readily assimilated in landscape terms. Therefore the proposal is supported subject to the removal of the existing residential mobile home and a restriction on the occupancy of the dwelling limiting it to agricultural workers only.

1. Site Description

- 1.1 The application site is located within the South Downs National Park and is within an area identified as the Northchapel Basin of the Low Weald, which is a mosaic of arable and pasture farmland interspersed with deciduous woodland. The holding on which the proposed dwelling is located is broadly typical of these features and consists of two fields split by a mature hedgerow. The farm as a whole is separated from the A283 by a wide verge of scrub and trees.
- 1.2 The proposed site of the dwelling is located at the northern end of a number of stables and small agricultural buildings ranged adjacent to the eastern boundary of the holding. Within this group is a residential mobile home that benefits form a three year temporary planning permission. To the south of the holding is a portable building used as a farm shop and office and two large livestock barns and associated hardstanding. The field to the west contains poultry sheds and additional grazing areas. There is a public footpath within the western field which runs along the mature hedge which separates the two fields of the farm.

2. Relevant Planning History

08/00200/FUL - Erection of stable building. PERMIT 12.03.2008

08/01656/FUL - 20m x 40 m riding arena. PERMIT 06.06.2008

08/02615/FUL - Erection of agricultural barn. PERMIT 10.09.2008

11/01019/FULNP - Retrospective application that seeks to retain hard surface area, a cess pit and 2.15-2.80 metres high wooden fence. APPEAL ALLOWED 10.10.2012

11/02915/FULNP - Change of use of agricultural land to establish a farm enterprise (mixed agricultural/equestrian use) with retention of existing hard surface area, a mobile home, a cess pit and 2.15 - 2.18 metres high wooden fence. Application includes erection of an agricultural barn. APPEAL DISMISSED 10.10.2012

11/04809/FULNP - Removal of Condition no.10 attached to planning permission NC/08/00200/FUL to allow the retention of 1 no static caravan, 1 no. dog kennel and mobile field shelters. APPEAL WITHDRAWN 12.06.2013

11/05190/FULNP - Retrospective application that seeks to retain track and hardstanding. PERMIT 16.03.2012

SDNP/13/04972/FUL - Retention of agricultural workers mobile home for temporary period of 3 years. APPEAL ALLOWED 18.06.2015

3. Proposal

3.1 The proposal is for the replacement of the current residential mobile home (temp 3 year permission) with a permanent agricultural dwelling.

4. Consultations

4.1 WSCC County - CDC

No anticipated highway safety or capacity concerns would be raised to this proposal. If the LPA are minded to grant planning permission, an appropriately worded occupancy condition would be advised.

4.2 Parish Council Consultee

SDNP/15/06493/FUL
Hillgrove Stud Farm
Construction of farm house to serve Hillgrove Stud Farm

Northchapel Parish Council held a planning meeting on Saturday 20th February 2016 and has carefully considered the above planning application. It has the following comments:

- 1. Should this application be permitted, the Parish Council requests that the following conditions are applied to the permission:
 - i) The house if granted must have a strong link to purpose i.e. for agricultural purposes only.
 - ii) No change of use should be permitted in the future.

If conditions similar to the above are not applied to any permission, the Parish Council objects to this application.

The Parish Council requests that SDNP and Chichester District Council take the above comments into account when considering this application.

4.3 Lurgashall Parish Council

The Parish Council has carefully considered the above-mentioned application and has the following comments:

- 1. Lurgashall Parish Council is very concerned about developments on this site because, even though it is outside our Parish, if this application were to be approved, it would set a precedent for further such applications in Northchapel and Lurgashall. Indeed there is a similar adjoining site: Willowdene Spring Farm.
- 2. In 2011, Hillgrove Stud Farm was an unspoilt green field. It has undergone considerable development in the last five years and a significant number of large unsightly buildings have been erected on the site. The Parish Council believes this project is simply a ploy to convert this once green field into a building plot. The Parish Council understands that the principal business of the applicant is Petworth Bulk Haulage www.petworth-plant-hire.co.uk and this agricultural enterprise has been created simply to obtain planning permission to build a permanent dwelling on this site and create a valuable building plot.
- 3. Given the above, the Parish Council believes this questionable agricultural need does not outweigh the very serious damage being done to the environment in the South Downs National Park.

- 4. If this application is approved, it will set a precedent for similar developments and any plot size in excess of 10 acres will be at risk form developers exploiting this weakness in agricultural planning policy.
- 5. The Parish Council therefore objects to this application and requests that it is refused.

5. Representations

15 representations received.

2 Third Party objections

On-going encroachment into the National Park Collection of buildings and mobile home detracts from appearance of local area Activity on holding appears to be minimal

13 Third Party support

Consider the case for the applicant to live on site proved in full and is supported High quality produce a reflection of levels of animal welfare on the holding Farm house necessary to support welfare of animals Regular purchase of produce from holding - invaluable addition to area Working farm and asset to Northchapel

1 further observation (CPRE)

In summary, CPRE Countryside Trust does no object to this application provided that the District Council/the National Park Authority:

- i) is satisfied that there is an <u>essential</u> need for a worker to live permanently on this holding in accordance with paragraph 55 of the NPPF; and
- ii) is satisfied that the enterprise is financially viable; and
- iii) is satisfied that the proposed dwelling would be of an appropriate size and design and would not cause unacceptable visual impact on the landscape character of the locality; and
- iv) if the permission is granted, imposes the following conditions:
- restricting the occupancy of the dwelling;
- removing permitted development rights;
- regarding materials;
- regarding landscaping;
- restricting external lighting;
- controlling means of enclosure (walls, fences, etc)

Agents supporting information

- Hillgrove Stud Farm is a very well run agricultural business.
- The need for the person responsible for the management of the holding to live on site has been accepted by a planning inspector at appeal.
- Any harm caused by the presence of the mobile home was outweighed by the need to live on site.

- Location acknowledged to be the least harmful.
- It is submitted that the proposed dwelling is well-designed in a vernacular style and significantly less harmful than a mobile home and therefore an improvement in landscape terms
- Design and layout influenced by the functional requirements of the holding for example, farm office, boot room and wet room positioned closest to farm buildings
- The business is viable, well funded and is profitable. Builds on the case that the inspector found the enterprise was being managed on a sound financial basis. However, would highlight the Embleton case, which made it clear that there was no longer any financial test in regard to the provision of an agricultural worker's dwelling. Nevertheless, the applicant has provided financial evidence in the form of trading accounts to 2013/14 and 2014/15 to demonstrate consistent on-going level of profitability.
- Financing the cost of construction of the dwelling would not have an undesirable effect on the profitability or sustainability of the business.
- Current floorspace currently 170sq.m gross, but includes internal circulation space and skeiling areas on first floor as well as the farm office and facilities shared by visiting professionals to the farm. Personal living space is only 136.6sq.m
- However prepared to reduce gross floorspace further in order to be more in line with emerging policy to 166.3sq.m
- Compares favourably and reasonably with the floorspace of examples of other agriculturally tied dwellings granted planning permission within the National Park in the last two years - 5 examples range from 150sq.m to 193sq.m
- Accommodation remains very modest in practice and is designed to accommodate the administrative needs of the farm as well as providing reasonable standard of living accommodation for the applicant and family.

Applicant/Agent's observations on representations of Lurgashall Parish Council

- 1) Will not create a precedent: If planning consent is granted it will be on the exception afforded by Paragraph 55 of the National Planning Policy Framework being the need for the rural worker to live at or near their place of work and each case must be judged on its merits
- 2) Petworth Plant Hire is completely unrelated and unconnected to the applicant and Hillgrove Stud Farm. Indeed by checking through Companies House you will be able to determine that my client is neither an owner nor a director of the plant hire company.
- 3) Agricultural need has been considered at Appeal where it was examined very thoroughly and the Inspector concluded that there was an agricultural need and the business has if anything increased since the Appeal thus increasing the agricultural need.
- 4) This plot size is not 10 acres, this application follows a significant period when the agricultural business has been established on site as a genuine agricultural business and secondly the applicant is certainly not a developer in the connotation given to the word 'developer' by the Parish Council.

5) The Parish Council's objection is noted however we consider that if the genuine facts associated with this case were to be put before the Parish Council and had the Parish Council invited the applicant to set out the facts or indeed even to attend the Parish Council meeting, then a very different decision may well have been taken.

6. Policy Context

6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is the Chichester Local Plan First Review (1999). The relevant policies to this application are set out in section 7, below.

National Planning Policy Framework (NPPF) and Circular 2010

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) which was issued and came into effect on 27 March 2012. The Circular and NPPF confirm that National Parks have the highest status of protection and the NPPF states at paragraph 115 that great weight should be given to conserving landscape and scenic beauty in the National Parks and that the conservation of wildlife and cultural heritage are important considerations and should also be given great weight in National Parks.

6.2 National Park Purposes

The two statutory purposes of the SDNP designation are:

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

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well being of the local community in pursuit of these purposes.

6.3 Relationship of the Development Plan to the NPPF and Circular 2010

In addition to the above the following paragraphs and sections of the NPPF are also considered relevant to the determination of this application:

Paragraphs 7, 14, 17, 55, 60, 61, 64 Sections 6, 7, 11

The draft South Downs Local Plan Preferred Options 2015 was approved by the South Downs National Park Authority on 16 July 2015. The public consultation on the document took place between September and October 2015 and the National Park Authority are considering the responses received during that consultation period. The document and the policies contained therein are now a material consideration when determining planning applications within the National Park, however, it is acknowledged that at this stage the policies will carry limited weight.

The following policies are considered relevant to this proposal:

SD1 - Sustainable development in the South Downs National Park

SD5 - Landscape Character

SD6 - Design

SD7 - Safeguarding views

SD9 - Dark Night Skies

SD48 - Agricultural and forestry workers' dwellings

6. 4 The South Downs Partnership Management Plan

The South Downs Partnership Management Plan (SDPMP) was adopted on 3 December 2013. It sets out a Vision and long term Outcomes for the National Park, as well as 5 year Policies and a continually updated Delivery Framework. The SDPMP is a material consideration in planning applications and has some weight pending adoption of the SDNP Local Plan.

The following Policies and Outcomes are of particular relevance to this case:

General Policy 1

Conserve and enhance the natural beauty and special qualities of the landscape and its setting, in ways that allow it to continue to evolve and become more resilient to the impacts of climate change and other pressures.

General Policy 3

Protect and enhance tranquility and dark night skies.

Farming Policy 14

Develop the market for and production of sustainable food, drink and other products with a South Downs National Park provenance.

General Policy 50

Housing and other development in the National Park should be closely matched to the social and economic needs of local people and should be of high design and energy efficiency standards, to support balanced communities so people can live and work in the area.

7. Planning Policy

The following policies of the Chichester District Local Plan First Review (1999) are relevant to this application:

- RE1 (CH)Development In The Rural Area Genera
- BE11 (CH)New Development
- BE14 (CH)Wildlife Habitat, Trees, Hedges And

8. Planning Assessment

8.1 The main issues with this application are considered to be:

- 1. Whether the replacement of the temporary accommodation with a permanent dwelling is now justified; and,
- 2. The effect of the proposed dwelling on the character and appearance of the National Park.

Issue 1 - Whether the replacement of the temporary accommodation with a permanent dwelling is justified

- 8.2 The functional need for a key worker to live on site was acknowledged on appeal in 2015, although the residential mobile home has been present on the land since the latter part of 2010. The planning inspector concluded that the need for an on-site residential presence is proved in the case of the calf-rearing activity of the business that forms the backbone of the agricultural activities established on the holding. The inspector commented that the recorded good health and welfare of the calves alone was extremely significant and essential to the success of this particular part of the business and could not be carried on within the confines of the normal working day.
- 8.3 The applicant also relies on the following additional farming activities to supplement the calf-rearing: rearing of chickens for sale and egg production and seasonal turkey rearing and lambing. It should be noted that there has been significant capital investment in buildings and equipment on the holding, including the two existing calf-rearing barns, a third barn with the benefit of planning permission but not yet constructed, fencing, mobile chicken houses and other equipment. Accounts submitted for the years ending 2014 and 2015 continue to show the business operating at a profit. The (unannounced) site inspection in connection with this application revealed that both barns were fully stocked with calves and young poultry chicks occupied various parts of the other buildings on the site. Facilities and stock for 'at the gate' sales of eggs and butchered meat was also evident.
- 8.4 The principle for on-site accommodation has been established because of the ongoing functional need attributed to the mainstay of the applicant's enterprise, which is calve-rearing. Capital investment in the enterprise indicates that commitment to this enterprise remains long-term and its viability demonstrated through the financial evidence that has been submitted. It is therefore concluded that on the issue of permanent accommodation, there continues to be an essential need for a rural worker to live permanently on the site, therefore satisfying the tests at paragraph 55 of the NPPF.
- 8.5 The proposed dwelling is relatively modest, comprising three bedrooms and integrated office/administration facilities. The applicant has advised that the current gross floorspace of approximately 170 square metres (including the office/administration area) is to be reduced to 166 square metres to align more closely with the emerging SDNPA Local Plan policy. Policy SD48 advocates that the total habitable floorspace of proposed dwellings should not be more than 120sq.m. There is no current policy guidance on the size of farm workers' dwellings in the saved policies of the 1999 Local Plan, nor in the NPPG.
- 8.6 The proposed dwelling also includes floorspace that has a dual function in supporting the administration of the holding, such as farm office, accessible we facilities for professional visitors, such as vets or casual labour employed by the applicant. The actual amount of habitable accommodation for private use is considered to be relatively modest the applicant has calculated a figure of approximately 130sq.m. The applicant has highlighted recent planning permissions

for agricultural workers' dwellings in the National Park between 2013 and 2014, where gross habitable floorspace granted has ranged between 150 and 193sq.m. Whilst the emerging policy is a material consideration, it must only carry limited weight and the proposed dwelling is consistent with recent planning permissions within the National Park and on balance may be supported.

8.7 It is concluded that the level of accommodation in overall terms remains relatively modest and within an external design that is generally unassuming and functional. It would be appropriate, however to limit further enlargement of the dwelling or the addition of domestic outbuildings through the removal of permitted development rights.

Issue 2 - The effect on the character and appearance of the National Park

- 8.8 The site chosen for the dwelling is close to that of the mobile home at the northern end of the range of existing agricultural buildings/stables, which the applicant has explained is necessary in functional terms to enable good monitoring of the main farm complex for welfare and security reasons. It should be noted that this general location was previously accepted as the least harmful in terms of landscape impact. Nevertheless, negotiations have a achieved a much more compact relationship with the existing buildings, resulting in the eventual removal of the mobile home and the repositioning of one the agricultural buildings on the caravans previous siting. A modest garden area is to be enclosed with timber post and rail fencing.
- 8.9 At present, the roof and upper part of the wall of the barn nearest to the A283 is visible above the tall gate which provides access to the farm area. The boundary of the appeal site with the A283 consists of a very tall fence painted in a dark colour. The tops of the stables and other buildings, which are also painted in a similar colour, are only just visible above the fence.
- 8.10 When within the farm, the two large barns are visible from the public footpath; the other buildings including the existing mobile home are also visible from here. Further glimpses of the buildings on the east boundary can be seen through the hedge as the footpath heads north across the western field.
- 8.11 The dwelling is of a modest, compact and unassuming design, with a low eaves line and ridge height of 7.7 metres. The choice of materials is consistent with those found locally in the area and village of Northchapel and this, combined with the established tree belt along the eastern margin of the site, will ensure that the proposed dwelling would have minimal impact on the wider landscape. Window sizes and glazing generally is kept to a practical minimum, thus reducing the dwellings impact on the dark night skies and relative tranquillity of the National Park. Glimpsed views of the proposed dwelling would be possible from the footpath running along the western edge of the holding and perceived as a minor extension of the built development that already exists here. However, this would be read against a dark backdrop of the tree line behind and with a choice of muted materials, the presence of the dwelling would be successfully assimilated in landscape terms from this viewpoint.
- 8.12 As stated above, views from the A283 of the site are limited by the presence of the line of trees and tall boundary fence. The tops of existing buildings may be seen when passing and the additional of the proposed dwelling would add to the variety of roofscape's along the eastern boundary of the site. The siting of the dwelling

itself is set back some distance from the eastern boundary with the highway, further reducing the perception of the presence of the building.

8.13 It is therefore concluded that on this issue the proposed dwelling would not have an adverse impact on landscape character and there is no conflict with Policy BE11, the policies of the NPPF regarding design or the relevant emerging policies of the South Downs National Park Local Plan.

9. Conclusion

9.1 It is concluded that the proposal to replace the existing residential mobile home with a permanent dwelling is supported in functional terms and on the basis of continued investment and growth in this enterprise. The siting represents the least harm to landscape character and is seen in the context of existing farm buildings and the proven agricultural need for on-site accommodation. The dwelling is of a relatively modest size, appropriate design, which together with careful use of materials will ensure that it can be more readily assimilated in landscape terms. Therefore the proposal is supported subject to the removal of the existing residential mobile home and a restriction on the occupancy of the dwelling limiting it to agricultural workers only.

10. Recommendation

It is recommended that the application be approved subject to the conditions set out below

01. The development hereby permitted shall be carried out in accordance with the following plans:

Plan Type	Reference	Version	Date on Plan	Status
Plans - Location plan	01		24.12.2015	Approved
Plans - Proposed site plan and elevations	DPA-003	REV 5	10.05.2016	Approved
Plans - Location and site plans	DPA-004	REV 4	10.05.2016	Approved

Reasons: For the avoidance of doubt and in the interests of proper planning.

02. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended)./ To comply with Section 51 of the Planning and Compulsory Purchase Act 2004

03. Agreement of materials

No development shall commence until details, and samples where appropriate, of the following materials to be used in the development have been submitted to and agreed in writing by the SDNPA: Bricks, stone & any other wall facing materials; Brick bonds; Mortar mix and finish; Rain water goods (including their relationship with eaves and verges); Slates, tiles & any other roof coverings, including rooflights. Thereafter the development shall be undertaken in full accordance with that agreement unless otherwise agreed in writing by the SDNPA.

Reason: For the avoidance of doubt and in the absence of these important details from the application

04. Occupancy limitation

The occupation of the dwelling shall be limited to a person solely or mainly working or last working in the locality in agriculture as defined in Section 336 of the Town and Country Planning Act 1990, or in forestry or equestrian related activities, or a widow or widower of such a person, and to any resident dependants.

Note:

- (i) "Last Working" covers the case both of a person who is temporarily unemployed or of a person who from old age, or illness, is no longer able to work. Nor need the words necessarily exclude a person who is engaged in other part-time or temporary employment, if that person could still be regarded as a farm worker or retired farm worker, or a worker in one of the other specific categories. A person who last worked in agriculture/forestry but who now works on a permanent basis mainly in non-agricultural forestry employment would not satisfy this condition;
- (ii) "Dependants" means persons linking in family with the person defined and dependant on him (or her) in whole or in part for their subsistence and support.

Reason: The site lies in the Rural Area and within the National Park, where in accordance with national planning policies and Local Plan policies, development unrelated to the essential needs of agriculture, forestry or similar rural based enterprise or development not requiring a countryside location would not normally be permitted.

05. No extensions or alterations

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting or amending that Order) no additions to, or extensions or enlargements of, or alterations affecting the external appearance of, the building(s) hereby approved shall be made or erected without a grant of planning permission from the SDNPA.

Reason: To enable the Local Planning Authority to retain control over the enlargements/alterations of the building(s) in the interests of the proper planning and amenities of the area.

06. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting or amending that Order) no building, or shed, greenhouse or other structure, shall be erected anywhere on the application site unless otherwise agreed in writing by way of a planning application by the SDNPA.

Reason: To enable the Local Planning Authority to retain control over such structures in the interests of the amenities of the area.

07. No external lighting shall be installed either on the building or anywhere within the site. This exclusion shall not prohibit the installation of sensor controlled security lighting which shall be designed and shielded to minimise light spillage beyond the site boundary.

Reason: To enable the SDNPA to control the development in detail in the interests of the South Downs National Park status as an International Dark Skies Reserve.

Note:

Any proposed external lighting system should comply with the Institute of Lighting Engineers (ILE) guidance notes for the Reduction of Light Pollution.

08. Landscaping

No development shall take place unless and until there has been submitted to and approved by the SDNPA a scheme of landscaping, which shall include a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities. In addition, all existing trees and hedgerows on the land shall be indicated including details of any to be retained, together with measures for their protection in the course of development. The scheme shall include seeding with a Native British Wildflower Flora mix appropriate to the soil and climate of the site. The scheme shall make particular provision for the conservation and enhancement of biodiversity on the application site.

Reason: In the interests of amenity and of the environment of the development and to comply with the Natural Environment and Rural Communities Act 2006.

09. Landscape implementation

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the SDNPA gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development.

10. Tree Protection

No development, including site works of any description, shall take place on the site and before any equipment, machinery or materials are brought onto the site, until all the existing trees or hedges to be retained on the site have been protected by a fence to be approved by the SDNPA erected around each tree or group of vegetation at a radius from the bole or boles of 5 metres or such distance as may be agreed in writing by the SDNPA. This fencing shall be maintained until all equipment, machinery, surplus materials and soil have been removed from the site. Within the areas so fenced off the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon without the prior written approval of the Local

Planning Authority. If any trenches for services are required in the fenced off areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25 mm or more shall be left unsevered.

Reason: To ensure the retention and maintenance of trees and vegetation, which is an important feature of the area.

11. Removal of mobile home

The dwelling hereby permitted shall not be occupied until the mobile home subject to planning permission reference SDNP/13/04972/FUL has been removed from the site, all services to it terminated and the land restored to its former condition or to a condition to be agreed with the SDNPA in writing.

Reason: To accord with the terms of the application and to prevent the proliferation of unjustified residential development in the South Downs National Park.

11. Crime and Disorder Implications

It is considered that this planning application does not raise any crime and disorder implications.

12. <u>Human Rights Implications</u>

This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

13. Equalities Act 2010

Due regard, where relevant, has been taken of the National Park Authority's equality duty as contained within the Equalities Act 2010.

Tim Slaney
Director of Planning
South Downs National Park Authority

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Appendix 1

Site Location Map



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