



PLANNING COMMITTEE REPORT

TO: Planning Committee

BY: Development Manager

DATE: 1 August 2017

DEVELOPMENT: Temporary change of use for up to 3 days per year to allow the land to be used as an obstacle course with associated car parking, base camp and camp site along with associated engineering works to create the obstacle course and restoration of the site following the event.

SITE: Holmbush Farm Crawley Road Faygate West Sussex

WARD: Rusper and Colgate

APPLICATION: DC/17/0587

APPLICANT: **Name:** Mr Giles Chater **Address:** Tough Mudder 4 Snow Hill London EC1A 2DJ

REASON FOR INCLUSION ON THE AGENDA: More than 8 letters of representation have been received which are contrary to the Officer recommendation.

RECOMMENDATION: To grant planning permission subject to conditions

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 The application seeks the temporary change of use of land at Holmbush Farm to allow Tough Mudder (sports and recreational) events to be held. Events will be held over 3 days each year for the duration of the rental agreement with the landowner which is understood to be until the end of 2020.

1.3 Tough Mudder is a private company, founded in 2009, which runs team-orientated obstacle courses designed to test physical strength and mental grit. The three day event at Holmbush House takes place over two weekends and consists of a full course (12 miles and 20 obstacles), half course (5 miles and 13 obstacles) and a Mini Mudder (1 mile course for children). Friends and family are also encouraged to attend to spectate and participants can make use of the on-site campsite for the weekend should they wish.

1.4 Implicit in the change of use is engineering operations in order to create the obstacles used by participants. These obstacles take various forms and include excavations filled with mud/water, above ground constructions such as timber walls and scaffolding climbing frames and 'monkey rings', and structures placed on the ground such as bales, pipes, skips and barbed wire. The works involved in the construction of the event start approximately

four weeks prior to the first day of the event, with site restoration taking place for two weeks post event. Overall therefore, the Tough Mudder event involves operations on site for up-to eight weeks.

- 1.5 The car parking areas associated with the event are located to the immediate west of Holmbush Farm and extend towards Holmbush House. Access into/from the site is provided by a series of gateways along the A264 with temporary aluminium tracking being installed to facilitate vehicle movement over unmade ground. The camping area is located close to the base area which is centrally located within the site. The base area provides facilities such as the warm up area, food and drink tents, a merchandise tent and bag drop facilities. Background music is played at some obstacles and within the base area during and after the event, generally until the last participant crosses the finishing line and the village is closed down (Normally by 9pm on a Saturday and 6pm on a Sunday). Background music could also be played within the campsite on the Friday and Saturday nights however this is not amplified.
- 1.6 The 2017 event will take place over the weekends of 16-17 and 23-24 September. A full and half course will run on Saturday 16 September 2017 with a full and half course running on Saturday 23 and Sunday 24 September 2017. No event will run on Sunday 17 September 2017.
- 1.7 Tough Mudder ran an event over two weekends in September 2016 at the Holmbush Farm site. The applicant considered that this use could be carried out as Permitted Development under Class A, Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order, which allows for the temporary use of land for any purpose, but not for more than 28 days in any calendar year. In connection with the temporary use of land, the General Permitted Development Order (GPDO) also allows for the provision on the land of any movable structure for the purposes of the permitted use. Following the receipt of a number of complaints about the 2016 event being run in breach of the Permitted Development legislation (i.e. in excess of 28 days); the Planning Service requested an application for the temporary change of use of the site for future events at the site.
- 1.8 The Council has considered the information submitted and supplied by Tough Mudder in support of the application and considers that an Environmental Impact Assessment is not required in this case.

DESCRIPTION OF THE SITE

- 1.9 The site forms part of the wider Holmbush Farm estate, located mid-way between Horsham and Crawley. The application relates to some 230 hectares (568 acres) of land on the southern side of the A264.
- 1.10 The wider Holmbush Farm estate which extends to some 1,000 hectares (2,500 acres) is made up of arable land, ancient woodland, commercial forestry and livestock (around 350 sheep and a small number of hens, pigs, goats, turkeys and cows) along with several independent businesses in the twelve commercial units in the courtyard area. There is also a tea-room with soft play area and a small farm shop on the site. Holmbush Events also operates from an area of the estate and provide activities such as archery, 4x4 driving and rifle shooting and Holmbush Paintball operates from the site.
- 1.11 The land to be used by Tough Mudder primarily lies to the east of Tower Road (Faygate roundabout to Colgate), to the west of Buchan Country Park, to the south of the A264 and to the north of Forest Road (Colgate). An area of woodland along the western boundary of the site along with two areas more centrally within the site and the boundary with Buchan Country Park are designated as Ancient Woodland. Almost all of the woodland area is also designated as an Archaeological Notification Area. The whole site lies within the High

Weald Area of Outstanding Natural Beauty (AONB). A pond known as Island Pond to the east side of the site is designated as a Site of Special Scientific Interest.

- 1.12 There are a number of residential properties within the site; the majority of these are within the ownership of Holmbush Farm estate. The exception to this is Holmbush House which lies some 600 metres from the buildings that make up Holmbush Farm. Holmbush House is grade II* listed and was split into five properties in the late 1970's/early 1980's. The residential development of Kilnwood Vale lies on the opposite side of the A264 to the eastern side of the site.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

- 2.2 The following Policies are considered to be relevant to the assessment of this application:

National Planning Policy Framework:

NPPF1 - Building a strong, competitive economy

NPPF3 - Supporting a prosperous rural economy

NPPF4 - Promoting sustainable transport

NPPF7 - Requiring good design

NPPF8 - Promoting healthy communities

NPPF11 - Conserving and enhancing the natural environment

NPPF12 - Conserving and enhancing the historic environment

NPPF14 - Presumption in favour of sustainable development

Horsham District Planning Framework (HDPF 2015)

HDPF1 - Strategic Policy: Sustainable Development

HDPF2 - Strategic Policy: Strategic Development

HDPF10 - Rural Economic Development

HDPF11 - Tourism and Cultural Facilities

HDPF25 - Strategic Policy: The Natural Environment and Landscape Character

HDPF26 - Strategic Policy: Countryside Protection

HDPF30 - Protected Landscapes

HDPF31 - Green Infrastructure and Biodiversity

HDPF32 - Strategic Policy: The Quality of New Development

HDPF33 - Development Principles

HDPF34 - Cultural and Heritage Assets

HDPF40 - Sustainable Transport

HDPF41 - Parking

RELEVANT NEIGHBOURHOOD PLAN

- 2.3 The Parish of Colgate has not been designated as a Neighbourhood Development Plan Area.

PLANNING HISTORY AND RELEVANT APPLICATIONS

LB/12/82	Convert to farm shop	Application Permitted on 25.03.1982
LB/45/85	Use of building as commercial smithy	Application Permitted on 30.10.1985

LB/63/81	Change of use to farm and forestry produce shop	Application Permitted on 21.01.1982
LB/52/86	Conversion of redundant agricultural buildings to 11 light industrial/ offices and workshops	Application Refused on 14.01.1987
CG/19/87	Conversion of redundant agricultural buildings to 11 light industrial/ offices and workshops	Application Permitted on 26.11.1987
CG/5/89	Change of use of farm buildings and woodland area for playing war games with reception and parking	Application Permitted on 16.06.1989
CG/26/89	Buildings for use on war games site	Application Permitted on 17.08.1989
CG/11/91	Removal of conditions 1 & 3 on permissions cg/5/89 & cg/26/89: increase in number of participants from 60 to 100 per day	Application Permitted on 25.03.1991
CG/15/94	Change of use to an open education farm canteen erection of toilets and formation of car park	Application Permitted on 22.11.1994
CG/26/97	Conversion of farm buildings to offices and workshops	Application Permitted on 19.11.1997
CG/50/02	Retail outlet for fencing & forestry products Site: Holmbush Farm Crawley Road Faygate	Withdrawn Application on 16.12.2002
CG/13/03	Replacement sawmill building and workshop and estate yard	Application Permitted on 14.11.2003
DC/04/0146	Continued use of farm buildings and land to open educational farm and single-storey extension to provide tea room, play area and toilet facilities	Application Permitted on 16.04.2004
DC/05/1394	Erection of a building to provide tea room, play area and toilet facilities	Application Permitted on 13.09.2005
DC/16/1163	Hedgerow Removal (6m)	Application Permitted on 30.06.2016
DC/16/1262	Temporary access onto A264	Application Permitted on 12.08.2016
DC/16/1821	Retrospective application for the installation of replacement gates	Application Refused on 21.10.2016
DC/17/0570	Widening of existing gateway and erection of replacement gates along with laying of hardstanding	Application Permitted on 08.06.2017

3. OUTCOME OF CONSULTATIONS

- 3.1 Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk.

INTERNAL CONSULTATIONS

- 3.2 **Landscape Officer** – Given the temporary nature of the event (3 days a year + pre and post operations) and proposed site restoration, it is considered the proposal would have a negligible effect on the landscape qualities and visual character and broadly comply with Policy 30 of the HDPF.
- 3.3 **Arboricultural Officer** – This event, despite its high footfall, will not cause an unacceptable level of damage to the ancient woodland overall, and is accordingly acceptable.
- 3.4 **Conservation Officer** – The proposal would cause less than substantial harm to the setting of the heritage asset and this potential level of harm would only arise on the limited days each year when the event will be held. Therefore, the potential harm needs to be considered in the overall planning balance.
- 3.5 **Environmental Health Officer** – Comfortable with Tough Mudder's proposals in terms noise mitigation but would ask that monitoring data for the event is provided. It is suggested that Tough Mudder representatives observe the event from a location at the site boundary nearest to the affected dwellings and notes the date, time, weather conditions and confirmation that the level of noise from the PA etc is not distinguishable. It is expected that this is undertaken for the first 15 - 30 minutes at the start of each event.
- 3.6 **Town Centre Manager** – Support short term activities such as the Tough Mudder on the Holmbush Farm site providing they have satisfied our Safety Advisory Group as to their provisions for safety and traffic management.
- 3.7 **Strategic Planning** – No policy objection subject to other issues being mitigated (particularly any adverse impacts upon the High Weald AONB or the neighbouring listed residential building).

OUTSIDE AGENCIES

- 3.8 **WSCC Highways** – No objection. Recommends condition in relation to a traffic management plan.
- 3.9 **WSCC Public Rights of Way Officer (PROW)** – No objection.
- 3.10 **Ecology Consultant** – Providing the avoidance measures detailed, together with the site restoration described, are undertaken, it is unlikely that there will be significant ecological impacts from the proposed temporary change of use.
- 3.11 **Archaeology Consultant** – Do not consider that the scale or nature of the development proposed will have the potential to identify or impact upon archaeological deposits.
- 3.12 **High Weald AONB Joint Advisory Committee** – Recommends conditions in respect of protection of the ancient woodland, retention of field boundaries, permanent urbanising features, number of events, hours of use and lighting.
- 3.13 **Crawley Borough Council** – In principle, the proposal is supported. The main potential impact upon Crawley would be through traffic generation and potentially increased

congestion on local roads. Content that these issues are addressed by the County Council as Local Highway Authority.

PARISH COUNCIL

3.14 **Colgate Parish Council** objects to the application unless the following issues are addressed:

- Volume of the public address system should be reduced and only used from 9am (10am on Sunday) to 5pm.
- Buses should not be suspended between Kilnwood Vale and Horsham.
- No restrictions around the Kilnwood Vale roundabout.
- No parking in Kilnwood Vale.
- Appropriate taxi drop off area required.
- Protection zone required around Holmbush House to protect their privacy.
- Construction works restricted to 9am – 5pm Monday to Friday and reduced hours over the weekend.

PUBLIC CONSULTATIONS

3.15 22 letters/emails of objection (from 14 households, plus one letter from Holmbush House Management Company) have been received which raise the following concerns:

- Levels of noise at the 2016 event unacceptable.
- Participants of past events have wandered into the gardens of the adjacent residential properties.
- Loss of privacy and overlooking of Holmbush House and their gardens by participants.
- Combined with other events held at Holmbush Farm, level of disturbance of residents would be extremely high during the spring/summer.
- Increase in traffic using private driveway.
- Majority of participants are not familiar with the A264 which will greatly increase the chance of an accident.
- No traffic management plan submitted with the application.
- The 2016 event saw bus routes suspended and residents forced to make detours to their properties.
- Inappropriate use of the driveway providing access to Holmbush House by coaches.
- Highway safety concerns with the 2016 event – cars parked on the verges of the A264 and pedestrians walking along the verges.
- Status of land (High Weald AONB, Ancient Woodland and Archaeological Notification Area) not properly considered.
- Concerns with health and safety of the event.
- Contrary to provisions with the Human Rights Act which requires residents to have peaceful enjoyment of their properties and the right to respect for their private and family life, home and surroundings.
- Lack of consultation (in particular with all Kilnwood Vale residents).

3.16 A number of the objectors have suggested conditions should the application be approved. These relate to:

- A 200m protection zone around residential property.
- Construction works are restricted to office hours on weekdays only.
- Increase in the number of toilets on the site.
- Increase in the number of marshals.
- No public address systems or if allowed not used before 9am on Saturday and 10am on Sunday.
- A noise consultant being employed by Tough Mudder to minimise noise to neighbouring residential properties.
- A break in noise from public address systems during the day (2 hours at midday?)

- No parking in the field directly in front of Holmbush House or at Kilnwood Vale.
- Parking utilises existing parking areas at Holmbush Farm.
- Event limited to a single weekend, with set up/take down limited to 3 weeks.
- Improved traffic and pedestrian management.
- No use of the driveway to Holmbush House by Tough Mudder traffic.
- Construction of footpath from Kilnwood Vale to Faygate.

3.17 2 letters/emails of support (from 2 properties) have been received which raise the following comments:

- No major disruption as a result on the 2016 event.
- Great atmosphere at the 2016 event.
- Traffic management at the 2016 event was excellent although there were some delays.
- Nice to see local land being used for events that involve the local community and brings work for local businesses.

3.18 1 letter/email of support received which raises suggestions on the running of the event:

- Use of PA system from 9am onwards only.
- Restrictions on parking in Kilnwood Vale.
- Additional evening security.
- Construction of path from Kilnwood Vale to Faygate to compensate for the disruption during the event.

4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS

4.1 Article 8 (Right to respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property) of the Human Rights Act 1998 are relevant to this application, Consideration of Human rights forms part of the planning assessment below.

5. HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER

5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

6. PLANNING ASSESSMENTS

6.1 The main issues in the consideration of the application are:-

- Principle of development
- Impact on highway safety and transport issues
- Impact on occupiers of neighbouring properties
- Landscape impact
- Impact on heritage assets
- Impact on ancient woodland and biodiversity

Principle of development

6.2 Policy 1 of the Horsham District Planning Framework (HDPF) relates to sustainable development, and states that development which accords with the Local Plan and Neighbourhood Plan will be approved without delay. Policy 2 sets out the main growth strategy, focussing development in the main settlements. This spatial strategy includes the requirement to retain and enhance natural environmental resources, including landscapes and landscape character, biodiversity, and retaining and enhancing environmental quality.

It supports development which protects, conserves and enhances the District's built heritage.

- 6.3 Policy 10 of the HDPF relates to rural economic development and is supportive of the diversification of farming and other countryside based enterprises. Policy 11 which relates to tourism and cultural facilities seeks to promote tourism and enhance local cultural facilities, including recreation based rural diversification. The policy seeks to increase the range, or improve the quality of accommodation, attraction or experiences for tourists, day visitors, business visitors and residents of the District. The policy sets out a number of criteria that needs to be met including, reinforcing the local distinctiveness and improving existing facilities, focusing major tourism and cultural facilities in Horsham town centre, seek to ensure that facilities are in keeping with their relationship with the urban area and countryside especially in and around the High Weald AONB, and develop opportunities associated with rural diversification particularly where they assist farm diversification projects.
- 6.4 The use of the land by Tough Mudder (TM) will lead to the further diversification of the Holmbush Farm Estate, which already accommodates a number of businesses as set out in section 1, above. The proposal will support the local economy as national events located in or close to Horsham have publicity value for the town and area and there is a local business opportunity/turnover uplift potential from events of this scale that attract people from across the south east to Horsham.
- 6.5 On the basis that policies 10 and 11 of the HDPF are supportive of farm diversification and that the Council's Economic Development team is supportive of the application, it is considered that the principle of the change of use of the land at Holmbush Farm to allow Tough Mudder events to take place is acceptable subject to the consideration of the other issues set out at paragraph 6.1 and compliance with the relevant planning policies.

Impact on highway safety and transport issues

- 6.6 Policy 40 of the HDPF supports development proposals which promote an improved and integrated transport network, with a rebalancing in favour of non-car modes as a means of access to jobs, homes, services and facilities, and requires developments to provide safe and suitable access for all vehicles, pedestrians and cyclists. Policy 41 of the HDPF requires adequate parking and facilities to be provided within developments to meet the needs of anticipated users.
- 6.7 The proposal will provide parking for approximately 4,500 vehicles although Tough Mudder has advised that the maximum number of vehicles likely to be on the site at any one time will be approximately 3,800.

Concerns have been raised by local residents and Colgate Parish Council in respect of the traffic management plan agreed for the 2016 event in terms of buses being suspended between Horsham and Kilnwood Vale on the event days, restrictions imposed on the Kilnwood Vale roundabout and the provision of taxi drop off areas. Concern has also been raised in respect of participants parking at Kilnwood Vale rather than using the event parking areas and pedestrians walking along the A264.

- 6.8 West Sussex County Council (WSSC) as the Local Highway Authority has raised no concerns in respect of the application. They have advised that for the 2016 event a temporary vehicular access was provided onto the A264 and a Traffic Management Plan (TMP) provided which included the nearside lane of the A264 dual-carriageway coned off and traffic management provided from the Bewbush roundabout to just short of the Faygate roundabout. Traffic Management Plans are provided by event organisers and sent to WSSC Highways for approval. WSSC Highways have advised that they may consult third parties such as Sussex Police however there is no legal obligation to do this. WSSC advise

that there is no obligation for lane closures or alterations to bus routes to be advertised however there is a requirement for the advertisement of any speed limit reductions or temporary closures of the layby fronting the site, and this is usually distributed to key stakeholders (including the local Parish Council, Police, Fire, Ambulance, District Council, County Councillors, bus companies, Freight Transport Association and Road Haulage Association) and a notice erected on site if it is safe to do so. WSCC has recommended that a condition is imposed restricting individual events taking place until a TMP has been agreed. The requirement for a TMP in connection with each annual event allows any lessons learned from events in the preceding years to feed into each new TMP.

- 6.9 Tough Mudder propose to charge for car parking and will be advising all prospective participants that there will be no off site parking available they have also advised that to discourage parking at Kilnwood Vale, "no event traffic" signage will be placed at the entrance to the estate. In terms of taxi-drop offs, all drop-off and pick up access into the site will be free and there will be dedicated points close to the event village area. There is an expedited process of bringing taxis into the site and drop off/pick off points are signed from the A264 to prevent taxis getting stuck in any queues for the parking areas. A taxi pick-up area is located near the event village, with numbers of taxi firms being provided, and participants are discouraged from walking out of the site to meet taxis elsewhere.
- 6.10 In terms of pedestrians walking along the A264, Tough Mudder was made aware of this issue during the first weekend of the 2016 event. It is understood that a number of participants had parked in field gateways located on the A264 and were then walking to the event entrance and that others had been dropped off by taxis, buses etc outside of the site. Tough Mudder has advised that after the first weekend of the 2016 event, all of the field gateways were coned off in an attempt to prevent a similar situation during the second weekend. For future events, Tough Mudder has advised that participants will be made aware that there is no pedestrian access to the site, when sending out communications to them.
- 6.11 Whilst the majority of participants will arrive by car as this is the most convenient method of reaching the site, there are public transport options available to the wider area (for example trains to Crawley, Horsham and Faygate) with taxi's available for access to the site. In terms of parking at Kilnwood Vale, inappropriate drop-offs on the A264 and pedestrians walking along the A264, Tougher Mudder was made aware of these issues relating to the 2016 event and has sought to address the concerns for future events at the site. It should be noted that whilst Tough Mudder can put in place measures to address the highway issues raised by third parties and discourage off-site parking and drop-offs, there may still be instances of parking at Kilnwood Vale other off-site locations as the surrounding roads are public roads and there is nothing to prevent parking where it does not cause an obstruction to pedestrians or road users. It is therefore considered that the change of use of the site, in transport and highway safety terms is acceptable and is in general compliance with policies 40 and 41 of the HDPF.

Impact on occupiers of neighbouring properties

- 6.12 Policy 33 of the HDPF requires development to ensure that it is designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land, for example through overlooking or noise, whilst having regard to the sensitivities of surrounding development.
- 6.13 There are a number of residential properties within the site; the majority of these are within the ownership of Holmbush Farm Estate. The exception to this is Holmbush House which lies some 600 metres from the buildings that make up Holmbush Farm. The car parking areas of the event lie in close proximity to the northern boundary of Holmbush House, with parts of the course running in relatively close proximity to other boundaries. The residential

development of Kilnwood Vale lies on the opposite side of the A264 to the eastern side of the site.

- 6.14 Concerns have been raised by the residents of Holmbush House, along with other objectors including a number of residents at Kilnwood Vale, about noise at the 2016 event and for future events to potentially have a similar impact on their amenity. It is understood that the 2016 event included the use of public address systems from 7am (8am on Sunday) and also included loud speakers at some of the individual obstacles and the playing of live music until 9pm (6pm on Sunday). Following discussions with the applicant it has been agreed that there will be no live music or public address systems used on the site before 8am on Saturday and 9am on Sunday. At 8am (9am on Sunday) background music will be played at the base area and a public address system and music will be played at the warmup/start area however this will be at a low level. At 9am (10am on Sunday) all public address systems will be fully operational with the base area closed by 8pm and all music/public address systems turned off. The Council's Environmental Health department have agreed that the amended times for music/public address systems being used on the site is now acceptable however they have requested that monitoring data for the event is provided to the Council. This will include records being provided confirming the date, time, weather conditions and that the level of noise from the public address system is not distinguishable. This monitoring will take place from a location at the site boundary closest to the affected dwellings for the first 15-30 minutes at the start of each event. Tough Mudder has advised that noise monitoring will be undertaken at the event in accordance with the request for Environmental Health and that additional noise monitoring will also take place during the event. Such a request can be imposed as a condition(s) on any permission granted. The monitoring during the event will ensure that noise levels are acceptable and will inform the following year's noise management plan.
- 6.15 Concern has also been raised by the residents of Holmbush House about the impact that the event has on their privacy. It is understood that the route of the 2016 event ran in close proximity of the boundaries of Holmbush House and that views into the garden areas of the properties was possible. Photos have been provided by some of the residents of Holmbush House showing participants at an orienteering event that was held over the Easter weekend 2017 running in close proximity to the boundary wall of Holmbush House along with a photo of a gateway within the boundary wall that provides a view into what is believed to be the communal garden of Holmbush House with the property itself in the distance. From a site visit undertaken and from aerial photos available to the Council, it would appear that a large amount of the curtilage of Holmbush House is woodland with the lawned areas of the property being at a slightly higher level than the ground below. The draft route layout for the forthcoming 2017 event shows that the route will again run in close proximity of Holmbush House. However given the make-up of the garden area, the short duration of the event (three days) and that it could be undertaken as permitted development if the set up/take down time was reduced; it is not considered, on balance, that the impact on the privacy of the residents would be so significant as to warrant refusal of the planning application.
- 6.16 It is noted that residents of Holmbush House have also raised concerns in respect of the location of the car parking areas in close proximity to their site boundaries. It is acknowledged that the car parking areas for the event are again to be sited in the adjoining fields to Holmbush House. Residents have suggested that alternative areas are available on the estate for the parking of vehicles which would be further from Holmbush House. Whilst there may be alternative locations within the estate, the scheme as proposed shows the parking areas to be within an area of some 23 hectares (56 acres) to the south of the A264 and therefore the Council must consider the acceptability this this location. The parking areas as proposed are conveniently located for accessing the site from the dual carriageway and will provide parking for some 4,500 vehicles although Tough Mudder have advised that the maximum number of vehicles likely to be on the site at any one time will be approximately 3,800. Whilst they are in close proximity to the properties at Holmbush

House, the parking of vehicles in these fields will only be for the three event days proposed and it is not therefore considered that it would significantly affect the privacy or amenity of the occupiers of neighbouring residential properties, given the limited period of use.

- 6.17 The setting up of the event is usually undertaken for four weeks prior to the event, with the restoration of the site undertaken within two weeks of the event finishing. Given the nature of the obstacles created, it is necessary for some plant and machinery to be used in the construction of a limited number of the obstacles. The applicant has advised that it will restrict the noisy construction work which would involve such plant and machinery to 8am to 6pm Monday to Friday and 9am to 1pm on Saturday. This would not prevent construction works being undertaken outside of these hours as suggested by objectors; however it would restrict any noisy construction works being undertaken and for example, works which involve constructors using hand tools would be able to be undertaken outside of these times as this type of works would not be considered to cause an adverse impact to the amenity of the occupiers of the neighbouring properties.
- 6.18 For the reasons set out above, it is considered that the change of use of the site to allow annual Tough Mudder events would not have a significant adverse impact on the privacy and amenity of occupiers of neighbouring residential properties and the change of use is therefore considered to comply with the provisions of Policy 33 of the HDPF.

Landscape impact

- 6.19 The site the subject of this application is located outside of any built-up area boundary and is therefore within open countryside. There is an area of woodland along the western boundary of the site along with two areas more centrally within the site and the boundary with Buchan Country Park which are designated as Ancient Woodland. The whole site lies within the High Weald Area of Outstanding Natural Beauty (AONB).
- 6.20 Section 85 of the Countryside and Rights of Way Act 2000 requires local authorities to have regard to “...*the purpose of conserving and enhancing the natural beauty of AONBs...*” in making decisions that affect the designated area. The NPPF paragraph 115 requires great weight to be given to conserving landscape and scenic beauty in AONBs, which have the highest status of protection in relation to landscape and scenic beauty.
- 6.21 The High Weald AONB Management Plan includes the Statement of Significance which defines the natural beauty of the High Weald AONB, its character and the special qualities associated with it. The Statement identifies five key components of this character: geology, landform, water systems and climate; settlement; Routeways; woodland; and field and heath.
- 6.22 Policy 25 requires development to protect, conserve and enhance the landscape character, taking into account areas identified as being of landscape importance, the individual settlement characteristics and maintains settlement separation, and maintain and enhance the existing network of geological sites and biodiversity, including safeguarding existing designated sites and species and ensuring no net loss of wider biodiversity.
- 6.23 Policy 30 of the HDPF states that it is essential that the key qualities of these protected landscapes are conserved and enhanced. Any proposals should have regards to a the key landscape features or components of natural beauty but also retain the public enjoyment of the landscape, support the economy and contribute to the social wellbeing of the population who live and work in these areas.
- 6.24 Given the temporary nature of the event and the proposed site restoration, it is considered the proposal, including the associated works such as temporary structures, accesses and lighting, will have a negligible effect on the landscape qualities and visual character and therefore complies with Policy 30 of the HDPF.

- 6.25 The High Weald AONB Joint Advisory Committee recommend conditions in the event that permission is granted. In respect of the retention of existing field boundaries, there are no alterations proposed to these other than in respect of the new accesses on the A264. However, given that the event route could change over the years, a condition is recommended requiring any alterations to field boundaries, which are likely to be limited to the internal field boundaries within the estate, to be restored to their previous condition after each annual event.
- 6.26 Following the 2016 event, the Council was furnished with photos showing the restoration of the site and some of these areas have been inspected relatively recently. As set out above, given the temporary nature of the event and as the land is restored to its original conditions post event each year, it is not considered that the change of use has a significant adverse impact on the landscape, including the High Weald AONB, and the proposal is in compliance with the relevant policies of the HDPF.

Impact on ancient woodland and biodiversity

- 6.27 As set out in the site description in section 1 of this report, the site contains areas of ancient woodland, which is described by the Woodland Trust as “...*woodland that has existed since 1600AD is used (1750AD in Scotland), as this is when good maps began to be available, and pre-dates the time when planting became common.*” They also go on to say “*Because they have developed over such long timescales, ancient woods have unique features such as relatively undisturbed soils and communities of plants and animals that depend on the stable conditions ancient woodland provides, some of which are rare and vulnerable. They are also living history books, with features such as mediaeval boundary banks, charcoal hearths, and old coppice stools, that tell us how woodland was used in centuries past.*”
- 6.28 Policy 31 of the HDPF requires development to maintain or enhance the existing network of green infrastructure which includes ancient woodland. The policy says that proposals that would result in the loss of existing green infrastructure will be resisted unless it can be demonstrated that new opportunities will be provided that mitigates or compensates for this loss, and ensures that the ecosystem services of the area are retained.
- 6.29 During the consideration of the application, there have been on-going discussions in respect of the impact of the change of use, and in particular the obstacles to be constructed, on the ancient woodland. Additional information has been provided detailing the likely route of the event and whether this will make use of existing tracks through the ancient woodland or use undisturbed land and providing construction details of the obstacles to be constructed in the ancient woodland.
- 6.30 The additional information submitted shows that two of the obstacles to be constructed within the ancient woodland are entirely aboveground and it is considered that these will cause no damage to the woodland soil. The third obstacle is to be sited in the same position as used for the 2016 event and no further damage is likely.
- 6.31 In respect of the route of the event through the ancient woodland, the degree of damage to the woodland soils as a percentage of the whole ancient woodland would be low. Potential for damage to soils has been identified through the use of a 13-tonne mechanical excavator to remove rhododendron growth. However, on balance the removal of this invasive, non-native species is considered to be good for the woodland overall. Despite the heavy footfall, the limited number of events per year is not considered to cause an unacceptable level of damage to the ancient woodland overall and is accordingly considered acceptable.

- 6.32 The draft route provided with the application demonstrates that the route will avoid the nationally designated Buchan Hill Ponds SSSI (Site of Special Scientific Interest). However, in order to avoid harm to the special interest of this site, it should be ensured that the final route for each annual event also avoids this area. Subject to the route largely making use of existing tracks through the ancient woodland and the site being restored as per that detailed in the application, there is unlikely to be any significant ecological impact from the proposed change of use.
- 6.33 In light of the above, and having regard to the recommendations of the Council's Arboricultural Officer and the Ecology Consultant in respect of the impact of the proposed change of use on the ancient woodland areas within the site boundary and the Buchan Hill Ponds SSSI, it is considered that the impact will be limited and is therefore in broad accordance with the relevant policies of the HDPF.

Impact on heritage assets, including archaeology

- 6.34 Policy 34 of the HDPF is relevant as there are heritage assets within and adjacent to the site. This Policy requires the retention and improvement of the setting of heritage assets including views, public rights of way, trees and landscape features, including historic public realm features. The policy also requires appropriate archaeological research investigation, recording and reporting of above and below ground archaeology.
- 6.35 In respect of archaeology, the application is located in an area of archaeological interest, principally represented by Mesolithic artefact. However the scale and nature of the development would not have potential to identify or impact upon archaeological deposits.
- 6.36 In respect of the setting of the neighbouring grade II* listed building, Holmbush House, given the Tough Mudder events are temporary in nature and that the site is restored after the event, the proposed use would have a negligible impact on the setting of the listed building. In respect of the location of the car parking areas, the proximity of parked cars to that boundary is not ideal but it is appreciated that due to the layout of the site, the area available for the cars is limited to that shown. For this reason, and given the proposed making good/restoration of the site following the event, any impact would be very short term and entirely reversible. The event will generate noise and a level of activity which would impact how the setting of the listed building is experienced but, the increased activity would be limited to the temporary use of the site. On this basis, it is considered that the proposal would cause less than substantial harm to the setting of the heritage asset and this potential level of harm would only arise on the limited days each year when the event will be held.
- 6.37 Although less than substantial harm to the setting of the listed building on the event days has been identified, the event is to take place for a very limited number of days per year (three per year) and the operational development associated with the proposed use is reversible and the site proposed for restoration after each annual event. As there are benefits to the scheme in terms of the further diversification of the Holmbush Farm Estate and the support to the local economy, it is considered that the less than substantial harm to the setting of the heritage asset is outweighed by the public benefits of the proposal, in accordance with paragraph 134 of the NPPF. Therefore, the proposed temporary change of use is considered to be acceptable and complies with the requirements of Policy 34 of the HDPF.

Other issues raised by objectors

- 6.38 Concerns have been raised by a number of objectors in respect of the security of the site and access being available to un-monitored obstacles. Tough Mudder has advised that they fence obstacles based on an assessment of the risk and that all water pits are fenced and other obstacles only if deemed necessary. The obstacles are on private property and

not accessible to the public and signage is placed on obstacles advising of the risk associated with them.

Conclusions

- 6.39 Class B of Schedule 2, Part 4 of the Town and Country Planning (General Permitted Development) Order 2015 (GDPO) allows the use of land for any purpose for up to 28 days in any calendar year. The event itself runs for three days over two weekends however when taking into consideration the set up and take down time and the week in between events, the event extends beyond 28 days; thus requiring the submission of a planning application. Group events such as fun-runs, triathlons and orienteering and mountain biking competitions often attract a large number of people and generate many of the same impacts as those identified in this report, such as noise from the PA systems during the events, the use of temporary accesses and participant car parking. However, these are the type of temporary impacts which are normally acceptable under the GDPO. It is only as a result of the longer site preparation and restoration associated with this particular event that takes the overall use over the permitted 28-day period and triggers the requirement for planning permission. In light of this, it is considered that limited weight can be given to the impacts arising during the event itself when considering whether to grant permission.
- 6.40 As described above, there are concerns which have been raised by nearby residents as a result of the 2016 event. However, it is considered that conditions can be imposed to ensure that any impact on the amenity of neighbouring residents and to highway safety is not unduly harmful. There is harm arising in terms of landscape impacts and the setting of heritage assets. However as a result of the reversible nature of the operational development in connection with the proposed use and the very short time period that the events take place, it is considered that the harm identified is very limited and not of sufficient weight to warrant the refusal of this application.

7. RECOMMENDATIONS

7.1 It is recommended that planning permission be granted subject to appropriate conditions:

1. A list of the approved plans.
2. **Standard Time Condition:** The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

3. **Pre-Commencement Condition:** A traffic management plan relating to the Tough Mudder events shall be submitted to and agreed in writing by the Local Planning Authority (in consultation with WSCC Highways) annually prior to events taking place on the site. The traffic management plan shall include monitoring at each event to inform the following year's plan. The events shall be carried out in strict accordance with the agreed plan.

Reason: In the interest of highway safety in accordance with Policy 40 of the Horsham District Planning Framework (2015).

4. **Pre-Occupation Condition:** With the exception of the 2017 event (the details of which have been agreed), a noise management plan shall be agreed with the Local Planning Authority prior to the first event on the site each year. The monitoring information shall be made available to the Local Planning Authority if requested to ensure acceptable noise levels during the event and shall inform the following years plan. The monitoring

position shall first be agreed with the Local Planning Authority, in consultation with the Council's Environmental Health department, prior to any monitoring being undertaken.

- 5. Pre-Occupation Condition:** With the exception of the 2017 event (the detail of which have been agreed), prior to Tough Mudder events being undertaken on the site, a plan and details shall be submitted annually to and approved in writing by the Local Planning Authority detailing the site set up (including the car parking areas, campsite, base area), the route of the course showing the location of obstacles and areas of the ancient woodland where existing tracks are not to be used, the dates of the events, the dates that site set-up/site take down will be undertaken, the details of the site restoration and measures for ensuring public health and safety and the protection of biodiversity. The events shall be carried out in strict accordance with the agreed plan and details.

Reason: To protect the amenity of the occupiers of the neighbouring properties in accordance with Policy 33 of the Horsham District Planning Framework (2015) and to prevent unacceptable damage to the ancient woodland in accordance with Policy 31 of the Horsham District Planning Framework (2015).

- 6. Pre-Occupation Condition:** No amplified music or public address systems shall be used on the site outside of 0800 – 2200 hours on Saturday and 0900 – 2000 hours on Sunday and as set out in the agreed Noise Management Plan.

Reason: To protect the amenity of the occupiers of the neighbouring properties in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 7. Pre-Occupation Condition:** There shall be no more than three 1-day Tough Mudder events held on the site in any one calendar year.

Reason: To protect the amenity of the occupiers of the neighbouring properties in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 8. Pre-Occupation Condition:** Other than those camping overnight and the use of the parking areas, the event shall not be open to participants and spectators outside of 0600-2000 hours on Saturday and 0700-2200 on Sunday.

Reason: To protect the amenity of the occupiers of the neighbouring properties in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 9. Pre-Occupation Condition:** Construction works involving the use of plant and machinery shall not be carried out outside of 0800-1800 hours Monday to Friday and 0900-1300 hours on Saturday.

Reason: To protect the amenity of the occupiers of the neighbouring properties in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 10. Pre-Occupation Condition:** Any field boundaries removed or disturbed as a result of Tough Mudder events being carried out on the site (excluding those already granted planning permission) shall be restored to their previous condition within two weeks of the final day of the event.

Reason: In the interests of the visual amenity of the site in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 11. Pre-Occupation Condition:** The details of any external lighting to be used on the site shall be submitted to and approved in writing by the Local Planning Authority prior to its

first use. The lighting provided on the site shall thereafter be installed in accordance with the approved details.

Reason: In the interests of the visual amenity of the site and to protect the amenity of the occupiers of the neighbouring properties in accordance with Policy 33 of the Horsham District Planning Framework (2015).

12. **Pre-Occupation Condition:** The temporary use of the site for the running of an obstacle course with associated facilities shall be undertaken by Tough Mudder only and no other person or company.

Reason: To ensure that the event is run in accordance with the details submitted in accordance with Policy 33 of the Horsham District Planning Framework (2015).

13. **Pre-Occupation Condition:** The removal of litter/waste from the site shall be carried out in accordance with the details submitted via email on 19.07.2017.

Reason: To ensure the adequate removal of waste from the site in accordance with Policy 33 of the Horsham District Planning Framework (2015).

Background Papers: DC/17/0587