

Proof of Evidence and related appendix

Town and Country Planning (Inquiries Procedure)  
(England)  
Rules 2000

Appeal by Affinity Woodland Workers Co-operative

Appeal Ref: APP/J9497/A/08/2072884/NWF

Subject: Planning Considerations  
Author: Mr J Gower

DATE ISSUED: March 2009  
CASE REFERENCE: SCWI/APP/POE3  
PREPARED BY: JG/SP/CG

1. My name is John Gower, I am a co-director of zedd, the design practice and planning consultancy specialising in low carbon solutions to current housing and development challenges.
2. I have been professionally employed in the construction and design consultancy industry for the last 15 years and have been involved with many clients and other architects, throughout the world, helping to design and project manage schemes that offer contemporary architectural and low energy solutions to the common challenge presented by climate change and resource scarcity.
3. Within this work we have sought to explore innovative but simply maintained passive systems that allow people to live within built schemes that integrate their inhabitants with their natural site environment. This work has sought to accentuate the benefits of houses that work with the natural systems that form their setting. This has had particular relevance within particularly sensitive sites or rurally built schemes where the need to protect and enhance the countryside for its own sake is of particular importance from a planning perspective.
4. I also work as a systems designer for Quiet Waters Consultancy which specialises in non fossil fuel dependent agricultural research and carries out low impact and small scale farming assessments for planning purposes to enable LPA's to effectively consider the merits of such schemes.
5. This is one of the major growth areas within the agricultural and food sector today and requires suitable techniques to be applied in its analysis if valid and meaningful conclusions are to be drawn that fully appreciate and understand the unique requirements and variables at play within such labour intensive and often owner run enterprises.
6. In assessing the Planning merits of the Steward Community Woodland/Affinity Woodland Workers (SCW) I initially referred to the reasons that the Planning inspector allowed the scheme permission in 2002. These reasons were quite clear and set out why SCW should be allowed to stay and to implement their plans into the future.
7. In his decision the Inspector, Mr Tamplin, made several points pertinent to this current inquiry and specific points raised by the NPA in their case.

8. Regarding any potentially harmful visual impact Mr. Tamplin noted in the context of the National Park Authorities remit to conserve and enhance Dartmoor's natural beauty, and associated policy guidance such as Structure Plan Policies, Local Plan Policies as well as PPG 1& 7 (now updated but still consistent in aim with their predecessors), that SCW, even in late winter, was all but invisible from the A382 and footpaths in the vicinity. In my view, the same would be true of the proposed cycle path. Whilst the Inspector stipulated, understandably, that this was not by itself a good enough argument in favour of permission, it did nonetheless fundamentally undermine one of the main stays of the NPA case, and in my view stands as true today as it did in 2002.
9. Having asserted that minimal visual impact and disturbance to the character and appearance of the national park countryside was not in itself reason to justify permission, the Inspector sought to address the matter in an explicit manner in the light of argument put forward by the NPA which suggested that SCW should provide justification under PPG 7, and which would now require its assessment under the similar criteria for development under PPS 7, in terms of functional and financial tests.
10. In assessing these specifics over the need for a residential presence, the Inspector accepted the careful considered research and thought that the project represented. He also noted that the project was an evolving one, and like any such management proposal I would suggest, ought to be able to be refined and amended over time in the light of its own findings and the changing wider background against which it is carried out. Much in the same way as the NPA's own plans and strategies regarding what is considered best for the national park, have similarly developed as thinking and times have changed.
11. Regarding these tests the Inspector found that the low impact and sustainable nature of the SCW scheme had at its very heart a desire to avoid and prevent long term harm to the countryside caused by development. The Inspector correctly pointed out with reference to the Petter and Harris case that preventing long term harm to the countryside, was the very purpose behind the tests now found in PPS 7 and stated that it would be inappropriate to apply these to this development, as there was neither a risk of such harm nor an intention for the development to become permanent. He also noted that

to try and assess this development by means of comparison with more typical modern methods of forestry management was similarly invalid when meaningfully investigating the proposed system at SWC.

12. Having set out how the NPA's arguments regarding the absence of evidence which satisfied functional and financial tests were misconceived. The Inspector did however assess the merits of the functional requirements for the participants to live on-site, as well as requirements that it should be reasonably viable in financial and practical terms.
13. The Inspector referred to the management plans for both the ecological setting itself and the business and enterprise aspects proposed. Whilst there can be no doubt that this management plan like any other has had to evolve and adapt over the intervening years it is demonstrably the case that given the foundation of data and experience that has been generated the current management plans for both the forestry and other land based works and the business and enterprise aspects are more detailed, more substantiated and arguably more relevant, in the light of economic and environmental pressure on society, now than at any point since 2002.
14. It was accepted by the previous Inspector that the functional requirement for a significant number of participants was clearly justified, and it would appear that as the management plan grows this functional requirement remains all the more valid at this present point.
15. It was also clearly accepted that for the members of SCW to live in what was termed as 'high impact, unsustainable housing' and to be forced to become commuters from local towns or villages, dependant both domestically and in terms of private car travel, on the very fossil fuel dependant methods they were trying to avoid, would negate the whole ethos of the project.
16. In terms of economic sustainability it was accepted that in light of the Petter and Harris judgement, comparisons with minimum agricultural wages and the costs involved in a more conventional lifestyle were inappropriate. This would remain so in my view.
17. The SCW has demonstrated the ability to subsist economically and has clearly set out how this viability can be sustained or be further supplemented through the increased relevance of

many of the proposed practises in the current economic and environmental climate.

18. Given that the Inspector stated that at the outset of this project the underlying purposes of housing policies in the countryside would not be undermined by the scheme, I see no reason to suggest that with current policy and its direction of travel taken into account that situation should be any different now.
19. As a simple example of the value of the plans in place it is clear that transferable and quantifiable data and experiences, proven within the project thus far, show just how much a sustainable bio-fuel management system can reduce the carbon footprint of those who use such fuel on a domestic basis.
20. Whilst it may well be argued that not all people might choose to live in the manner those forming SCW are keen to do, it must be accepted that society at large will require larger numbers of individuals to live in such a way, if sustainable local production of bio-fuels from well managed coppice and other woodland are to become more prevalent as an energy source as is promoted within much current guidance and policy change such as the recent amendments to the GPDO, regarding installation of bio-mass based systems.
21. The principles of sustainability, that it has been accepted this project is based on, are central to Government policy and there is a clear and present need for such projects to continue to try and to test the practical application of such principles if workable alternatives to currently unsustainable patterns of energy use and consumption are to be found.
22. This need has become all the more pressing in the last 5 years, and the very reason why such experimental projects should be encouraged, as long as they do not undermine other basic planning principles, is because those development models that might be considered more typical or conventional have now been found to be unsustainable in themselves, and requiring of urgent and comprehensive revision.
23. In the period running up to 2016, it is in my opinion vital to the Government's stated aims of achieving carbon neutrality within the building of new homes, that lessons be learnt from as many experimental projects as is possible in the search for sustainability and economic stimuli in rural areas.

24. It is also clear that much useful data can be drawn from schemes such as SCW in terms of promotion of a higher degree of local social and economic benefit through the use of systems such as permaculture as well as the various diverse management methods incorporated within SCW's plans, such as the provision of educational courses, the advancement of rural skills and the conservation of natural habitats and recreational space.
25. These bring recognised benefits to the wider community and economy and would appear to fulfil the aims of national, regional and local plan policy, as well as epitomise the NPA's principles of fostering and encouraging schemes true to Dartmoor's history and culture. They also certainly accord with governmental commitment to policies of sustainability.
26. As the Inspector of the time stated in 2002 the nature and make-up of the SCW project satisfies the underlying aims and purposes of Structure Plan Policy H4, HS2 Local Plan Policy WL1, and any potential harm to the aims of these policies is outweighed by the specific material considerations in this case, and further the underlying intentions and purposes of the policies themselves.
27. Having thoroughly assessed the planning policies referenced within the NPA's statement of case, it is unclear how their apparent objections to the SCW proposals are any more appropriate now than they were at the time of Mr. Tamplin's decision.
28. If anything changes to Government policy have tended to further highlight the importance of sustainability, whilst developments in current credible science such as the IPCC reports would appear to further underline that action on the ground that finds agency to mitigate the effects of climate change is more pressing and relevant now than at any time in history.
29. The project would appear to sit well with current advice in PPS1 regarding sustainable development. In the documents Key principles four main themes are highlighted;
  - social progress which recognises the needs of everyone;
  - effective protection of the environment;
  - the prudent use of natural resources; and,
  - the maintenance of high and stable levels of economic growth and employment.

30. 'These aims should be pursued in an integrated way through a sustainable, innovative and productive economy that delivers high levels of employment, and a just society that promotes social inclusion, sustainable communities and personal well being, in ways that protect and enhance the physical environment and optimise resource and energy use'.
31. The aims of the SCW cooperative themselves are in my view entirely consistent with these aims in PPS1. In its advice over how agencies involved in place shaping should be planning for sustainable development some priorities are listed.
32. These set out that Planning Authorities should ensure that developments have suitable focus on the following;
  - mitigation of the effects of, and adaptation to, climate change through the reduction of greenhouse gas emissions and the use of renewable energy; air quality and pollution; land contamination; the protection of groundwater from contamination; and noise and
33. light pollution;
  - the protection of the wider countryside and the impact of development on landscape quality; the conservation and enhancement of wildlife species and habitats and the promotion of biodiversity; the need to improve the built and natural environment in and around urban areas and rural settlements, including the provision of good quality open space; the conservation of soil quality; and the preservation and enhancement of built and archaeological heritage;
  - the potential impact of the environment on proposed developments by avoiding new development in areas at risk of flooding and sea-level rise, and as far as possible, by accommodating natural hazards and the impacts of climate change; and,
  - the management of waste in ways that protect the environment and human health, including producing less waste and using it as a resource wherever possible.
34. It is clear that these are common aims shared with the underlying basis of the SCW project and its approach to global issues on a local level. Of further relevance PPS1 also states,

in terms of delivering such aims, that planning authorities should;

35. 'Promote communities which are inclusive, healthy, safe and crime free, whilst respecting the diverse needs of communities and the special needs of particular sectors of the community.'
36. Whilst many local plan policies may be some way off presently embodying such aims and ideals it has been clearly set out within the recent ERM report on the implementation of PPS1, and its supplement, that Local Planning Authorities are expected to act in line with its advice even while waiting for consistent policy to be fully adopted at a local level.
37. PPS7 on sustainability in rural areas echoes many of these overarching aims and sets out ways in which SCW specifically embodies aspects of the search for sustainable patterns of working as we move forward. In its key objectives it sets out
38. 'To promote sustainable, diverse and adaptable agriculture sectors where farming achieves high environmental standards, minimising impact on natural resources, and manages valued landscapes and biodiversity; contributes both directly and indirectly to rural economic diversity; is itself competitive and profitable; and provides high quality products that the public wants.'
39. It also emphasises that land use systems should;
  - (i) become more competitive, sustainable and environmentally friendly;
  - (ii) adapt to new and changing markets;
  - (iii) comply with changing legislation and associated guidance;
  - (iv) diversify into new agricultural opportunities (e.g. renewable energy crops); or
  - (v) broaden their operations to 'add value' to their primary produce.
40. The dynamic and forward looking nature of the SCW Plan suits this recommended approach and provides first hand data on methods and results that may be used more widely in other small scale efficient land use enterprises in order to increase the viability of currently loss making operations and to foster a greater use of on site resources to meet needs otherwise

met by imported energy at great environmental and economic cost.

41. Small, but secure and resilient, systems of land based livelihood potentially offer an important way marker for truly sustainable developments in rural areas providing jobs, energy security, diverse and diffused local economic stimulus and can contribute greatly to the preservation and enhancement of our local communities and the intrinsic historic character of our working countryside.
42. Where such 'sustainable development' policy has its aims interpreted into DNPA Local Core strategy, the SCW project can be found to be particularly well supported.
43. Policy COR1 has thirteen specifics that are provided to ensure that development within the National Park is undertaken in a sustainable manner. These highlight the need to conserve and make efficient use of natural resources and a respect and enhancement of the countryside. All of these points are at the heart of the SCW management plan and how it merges its work with wider social benefits which foster a greater understanding and respect for the local surroundings.
44. The way in which this is carried out at SCW, through educational skills training and 'forest school' learning also integrates well with COR1 stipulations regarding the provision of access by the public, which is something that the wood has done since its initial clearance work to improve the sites amenity value to many visitors as well as its biodiversity.
45. The proposal accords with Policy COR2: given the functional requirements established at the previous Inquiry, the SCW scheme is an acceptable development despite it being outside an established local settlement.
46. Policy COR3, like many of the adopted policies is intended to be used in appraising permanent developments as opposed to temporary and low impact initiatives, but nonetheless it prioritises the conservation and enhancement of Dartmoor's natural features which the SCW scheme celebrates as its driving ethos as well as practically achieves through its 'continuous cover' woodland management systems.
47. Policy COR4 is in my view particularly suited to the development in its promotion of the importance of site based resources and materials and an efficient approach to the use

of water and energy. These would appear to be aims which run parallel to many of the 15 criteria for Low Impact development that SCW have used to inform their approach to both temporary built space and water and energy use. It also sits well with Agenda 21's reference to the use of locally available materials for affordable and accessible, self build rural housing.

48. SCW has been involved in surveying and data collection as part of its management approach since its inception and analysing such information in order to best serve the interests of enhanced biodiversity and ecosystem resilience puts the project at the forefront of opportunities highlighted within Policy COR7.
49. Policy COR11 sets out a requirement to sustain a tranquil setting for those who work and visit the area. This would appear to be epitomised by the manual and low noise nature of much of the work at the woodland such as hand felling and rural crafts and certainly sets it apart from the often intensely noisy forestry systems that are practiced elsewhere.
50. This highly reversible low-impact method of construction can teach many lessons as society looks for less energy, and environmentally, costly solutions to both current and pending rural housing needs situations. The accessibility of the site as a whole and the way in which its occupants and visitors are able to work with the natural site topography shows excellent prospects for providing information regarding how even quite extensive low-impact settlements do not always have to apply negative pressures on a site's environmental capacity. In this way the development highlights many of the aims sought within Policy COR13.
51. The self sufficient aspects of the SCW management plan; in terms of a minimised dependence on highly maintained service provision and fuel supplies as well as the transport policy also meets the aims of COR14. The project's longstanding efforts to improve cycle access and the new Sustrans cycleway that will help this also aids this ambition to provide the required services for the community in a more sustainable way.
52. The experimental development of the types of structure used at the site to provide accommodation and other related facilities provides an excellent insight into the flexible and adaptable use of light weight, readily available and often

recycled materials within the design of practical temporary buildings.

53. Policy COR15 sets out the NPA's desire to try to facilitate the provision of affordable rural housing. In the light of the recent Taylor Report, and the forthcoming new PPS, that will form the government response, seeks to find further flexible and practical solutions to a housing crisis that is set only to be exacerbated by the current economic downturn and its resulting fall in peoples ability to secure mortgage lending and a threat to the private rental sector where landlords inability to meet the mortgage demands of let properties is putting their tenants security in doubt.
54. These difficult times require imaginative and adaptable responses from all agencies involved in order to mitigate against what could potentially become a dramatically deeper rural hosing crisis. The way in which the appellants have provided for their own housing needs has reduced pressure on other local housing stocks and appears entirely consistent with the content of Agenda 21, regarding the provision of housing for rural populations in such need as may soon exist more widely.
55. The sites established link to its agro-forestry needs also meets the criteria set out in COR15, regarding development, albeit in this case of a temporary nature, in rural areas outside of local centres.
56. Further to these Core policies the project is rare, if not unique, in its ability to conform with the aims of saved policy FD2 in that as well as being of minimal impact the structures on site are capable of being completely removed should they become redundant for their original purpose.
57. This is clearly another area where the 15 criteria for low impact development make SCW highly compatible with the stated aims of DNPA.
58. Saved Policy GP2, also highlights requirements which the SWC scheme epitomises, in the sympathy to their surroundings with which developments should be carried out, appropriate use of materials suited to the local environment, the protection and conservation of natural features and other conservation interests, as well as, a reduction in air, water and soil pollution, which is clearly inherent in the sites management approach and infrastructural provision.

59. It is of note that the scheme was found to be entirely compatible with the underlying aims of other saved policies such as HS4, given the established functional requirement proven and accepted at the previous inquiry, and WL1 given that the management of the woodland, conservational nature and improvements to the small scale recreational provision at the site are fundamental to the appellants proposals, and were accepted as such by the previous Inspector and there is in my view nothing to suggest a different conclusion should be reached now.
60. Saved Policy BL1, is also in my opinion consistent with the SWC scheme in terms of the low-impact form of development and its integration into its environmental background, as well as its use of appropriate woodland materials for many of its constructional purposes.
61. In relation to Structure Plan Policy CO2, National parks, Devon County Council (DCC) highlight aspects desirable in development proposals, such as conservation, but interestingly also promote issues which SCW is specifically dedicated to, and which form a major part of their work. These are a promotion of understanding and enjoyment of the Parks natural features and learning opportunities relating to some of its historic skills and its interaction with the local community for the furthering of social and economic benefits, that can be seen to have resulted from such relationships.
62. This educational and training aspect of the scheme in my view embodies much of the current policy promotion of diverse and socially and economically beneficial relationships within our rural communities. This interaction helps to inform, educate, train as well as break down barriers and find inclusive solutions to the enhancement of social capital and future skills training in the area.
63. It is one of the most vibrant and popularly supported aspects of the scheme as a whole, illustrated by the focus shown on providing courses, to local and visiting populations, within the current management plan. This further advances the amenity and economic value of the work being done at the site and how it can be effectively disseminated, and 'agency' found, in a manner sought by guidance such as DCC's 'A Warm response' document.
64. For the reasons set out above I can see no credible planning grounds for SCW not being given leave for a further

temporary period to continue their hard work and efforts to enhance this area of the national park in terms of its conservation, educational, recreational and productive capacity.

65. Further to these planning considerations I was also drawn in my assessment to the negligible difference made by the SCW project as proposed and that which might, quite lawfully exist, should this appeal be dismissed in terms of the concerns raised by the NPA.
66. Given that these objections concentrate on visual impact, access and the nature of the structure and work being carried out by SCW at the site, they would appear somewhat irrelevant in the light of what would be entirely permitted under the GPDO of 1995 albeit without permanent habitation as such.
67. In my opinion temporary structures, as well as buildings serving a temporary use, such as those that exist at the site, are entirely permitted under the GPDO, in that they are providing facilities ancillary to the agricultural or forestry use of the land.
68. In this manner concerns over the existence of the structures themselves and any visual impact considerations would be potentially unfounded. Similarly concerns stated over access and transport arrangements would appear to be exacerbated by a dismissal of this appeal, as the woodlands workers would be forced to commute to and from the site, potentially from some distance with the resultant congestion, pollution and reliance on private car travel that may be implicit in such circumstances.
69. The works under taken at the wood in terms of forestry and agro-forestry schemes, as well as, value addition and production of saleable items would all appear to be entirely consistent with the agricultural and forestry use of the land and could be carried out by however many people were so required.
70. In my view therefore, only the over night stays by members of the woodland workforce, other than those permitted without requiring planning consent, are the material difference between the appellants proposals and the position sought by the NPA. It is hard to see therefore, that the degree of any harm directly attributable to activity that would

not continue to take place in the event of the appeal being dismissed would be anything other than negligible.

71. It is however important to understand the negative effects that may be created were such a position to be enforced in terms of the negation of many of the aspects of the scheme which it has been accepted represent important work in the search for sustainable ways of living. These would also appear to sit well with the draft PPS 4, and likely to find form in the new PPS on prosperity and the Government's response to the Taylor Report, in terms of live/work arrangements and its advice that planning authorities should look favourably at proposals where people are able to live and work on the same site despite this being in situations that might not have been seen as acceptable previously.

72. This draft PPS states that it is important for economic development to;

- (i) become more competitive, sustainable and environmentally friendly;
- (ii) adapt to new and changing markets;
- (iii) comply with changing legislation and associated guidance;
- (iv) diversify into new agricultural opportunities (e.g. renewable energy crops); or
- (v) broaden their operations to 'add value' to their primary produce.

73. And also goes on to stress that;

74. 'In rural areas, recognising that accessibility – whether by private transport, public transport, walking and cycling – is a key consideration, local planning authorities should:

- Support farm diversification schemes for business purposes that help to sustain agricultural enterprise and are consistent in their scale with their rural location and environmental impact;
- Recognise that a site may be an acceptable location for development even though it may not be readily accessible by public transport;
- Support sustainable rural tourism and leisure developments that benefit

rural businesses, communities and visitors<sup>11</sup>; and

- Support small-scale economic development where it provides the most sustainable option in villages that are remote from, and have poor transport links with, local service centres.

75. Such enforcement as sought by the NPA, resulting in the removal of the habitation aspect of the scheme, would also have an undoubted impact on the carbon footprint of the participants of the scheme effectively putting it back up nearer to the norm for the region which has been accepted by Devon County Council is not sustainable, as well as affecting the economic viability of the subsistence based scheme and its move away from high levels of consumption and energy use.
76. This situation which shows that the impact and potential for harm caused purely by the residential aspect, over and above that which would be allowed anyway, is limited to the point, in my own view, of being inconsequential, whilst the degradation of the schemes' sustainability, were this residential aspect to be moved off-site, can be seen as quite dramatic. As well as effectively freeing the participants in the scheme from conditions aimed at increasing the sustainability of working patterns, transport and energy use which SCW themselves have initiated and welcomed as a means of defining and ensuring the low impact nature of the scheme as a whole.
77. In the light of all these planning considerations and the fall back position outlined, I would respectfully recommend that the Inspector allow the appeal.

## Appendices.

A. Devon County Council 'Climate Change Strategy Document SO(C) 1' (2005)

B. Chapter 7 '15 Criteria for developments associated with sustainable land based rural activities'

C. PPS1

D. PPS4 (Draft)

E. PPS7

F. PPS9

G. PPS22

## APPENDIX A

The primary key objective of Devon County Councils Climate Change Strategy Document SO(C)1 is To create 'agency' for action with the members and officers of Devon County Council, our partners and, most importantly, the people of Devon towards climate change by raising awareness of its causes and impacts, and outlining potential responses...We have 'agency' when we know what to do, we think our contribution is important, we can decide for ourselves and we have the infrastructure and resources to act. It is likely to be a long term activity that will require routine examination of ways of working as well as the deployment of new technology, new regulatory frameworks and challenging cultural change to promote behavioural change by persuading individuals and groups that they can make a difference in terms of their own lifestyle choices and in mobilising their communities

## APPENDIX B

### Fifteen Criteria for 'Low Impact Development'

- (1) The project has a management plan which demonstrates:
  - [a] how the site will contribute significantly towards the occupiers' livelihoods;
  - [b] How the objectives cited in items 2 to 14 below will be achieved and maintained.
- (2) The project provides affordable access to land and/or housing to people in need.
- (3) The project provides public access to the countryside, including temporary access such as open-days and educational visits.
- (4) The project can demonstrate how it will be integrated into the local economy and community.
- (5) The project can demonstrate that no activities pursued on the site shall cause undue nuisance to neighbours or the public.
- (6) The project has prepared a strategy for the minimization of motor vehicle use.
- (7) The development and any buildings associated with it are appropriately sited in relation to local landscape, natural resources and settlement patterns.
- (8) New buildings and dwellings are not visually intrusive nor of a scale disproportionate to the site and the scale of the operation; and are constructed from materials with low embodied energy and environmental impact, and preferably from locally sourced materials, unless environmental considerations or the use of reclaimed materials determine otherwise.
- (9) The project is reversible, insofar as new buildings can be easily dismantled and the land easily restored to its former condition.
- (10) The project plans to minimize the creation of waste and to reuse and recycle as much as possible on site.
- (11) The project has a strategy for energy conservation and the reduction, over time, of dependence on non-renewable energy sources to a practical minimum.
- (12) The project aims over time for the autonomous provision of water, energy and sewage disposal and where it is not already connected to the utilities, shall make no demands upon the existing infrastructure.
- (13) Agricultural, forestry and similar land-based activities are carried out according to sustainable principles. Preference will be given to projects which conform to registered organic standards, sustainable forestry standards or recognized permaculture principles.

(14) The project has strategies and programmes for the ecological management of the site, including:

[a] the sustainable management and improvement of soil structure;

[b] the conservation and, where appropriate, the enhancement of semi-natural habitat, taking into account biodiversity, indigenous species, and wildlife corridors;

[c] the efficient use and reuse of water, as well as increasing the water holding capacity of the site;

[d] The planting of trees and hedges, particularly in areas where the tree coverage is less than 20 per cent.

(15) The project can show that affordability and sustainability are secured for the future.