

WADHURST PARISH COUNCIL

Minutes of a meeting of the Planning Committee held at The Pavilion, Sparrows Green Recreation Ground, South View Road, Wadhurst on 31st July 2021 at 09.30 hrs.

Present: - Cllrs Anderson, C Moore, P Moore, Murphy (chair), Smith

Meeting commenced at 09.35 hrs.

AGENDA

1. To receive apologies for absence – **apologies received and reasons accepted from Cllr Niell**
2. To receive declarations of interest and updates to members' register of interests – **none declared**
3. To approve the minutes of the meeting of 17th July 2021 – **approved**
4. To discuss matters arising from the minutes of the meeting of 17th July 2021 – **noted advice of Clerk that items should not be discussed if meeting not quorate for that item.**
5. Public forum – time limit 15 minutes - **9 members of the public present. 3 spoke against WD/2021/1285/MAO; 1 spoke against WD/2021/1056/O; 1 spoke in favour of WD/2021/2650/F. Public forum was extended to 30 minutes to enable all those who wished to speak to do so.**
6. **Licence and planning applications**

6.1 Licencing: *None*

6.2 Planning:

6.2.1 WD/2021/1056/O

Consultee expiry date: 3rd August 2021

Location: LAND WEST OF TURNERS GREEN ROAD AND ADJACENT TO SPARROWS GREEN RECREATION GROUND, WADHURST, TN5 6TW

Description: Phased development of 5 no. self-build dwellings, associated access and infrastructure works.

Comment: **Object.** The proposed development is outside of the development boundary (as specified in the existing adopted plan and that as specified in the proposed 2019 draft Wealden Local Plan), non-contiguous with existing development, on a greenfield site in the High Weald AONB.

When the development boundary was defined, WDC's stated aim for Wadhurst was:

“to protect its environment, the rural fringe areas and the surrounding countryside from development that would be detrimental to its character.”

The development boundary:

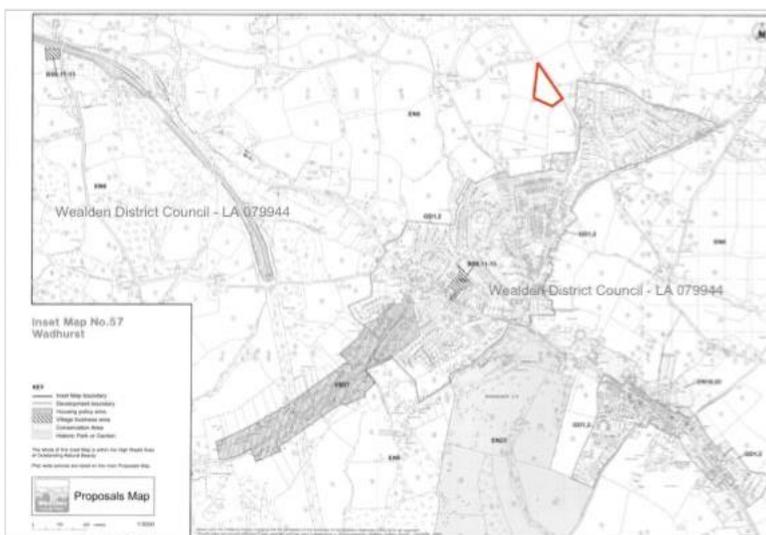
“took full account of the sensitive ridge-top setting of the village within the High Weald Area of Outstanding natural Beauty, and the diverse character of existing development....it seeks to prevent

WADHURST PARISH COUNCIL

an outward encroachment of new development along the main roads and an intensification of development in a number of fringe areas which would be detrimental to their more rural character”.

The High Weald AONB Management Plan (Page 12) notes that “the areas around the Weald experienced a substantial and disproportionate increase in housing compared to the rest of England in the inter-war period.” The High Weald AONB was designed in 1983¹; the extant Wadhurst development boundary followed in 1998. It was designed to, and has been a vital tool in, protecting the historic mediaeval field systems of the High Weald AONB countryside of Wadhurst, and this must continue. This unique and recognisable landscape of over 700 years must be protected in perpetuity, and this means retaining the rural character. The development boundary is not, as is often suggested, “out of date”, but, in this context, at 23 years old, in its infancy.

The site is outside the development boundary and is not even contiguous with the development boundary.



The Wealden Landscape and Settlement Character Assessment Supplementary Report November 2016 identifies the appeal site as part of a sensitive urban edge and a remnant historic landscape. It falls within Landscape Setting Area 7 which has a low capacity for change.

No exceptional need/circumstances have been identified as is required for such a development in the High Weald AONB. The site is on a ridgeline in a prominent location, widely seen from the open countryside and if approved, would result in a significant loss of views and therefore there is a high visual impact. Its character is typical of the older field system with robust boundary vegetation, and it forms an attractive part of the High Weald Landscape. The site feels very much part of the wider countryside rather than relating to the settlement, reinforced by the rural nature of Turners Green Road at this point, itself an historic routeway. The loss of the mature boundary hedgerow to facilitate the new access along with the associated engineering works required given the change in levels between the highway and site will have a significant detrimental impact on the immediate street scene and AONB.

¹ Source: <https://www.wealden.gov.uk/planning-and-building-control/planning-policy/high-weald-area-of-outstanding-natural-beauty/>

The proposed cul de sac layout is contrary to the historic settlement pattern².

Whilst the proposals have been adapted from the rejected proposal WD/2019/2252/O they are still detrimental to the well-used Footpath (Wadhurst 46) which currently has views in all directions but, under the proposal, these would be restricted.

The proposal creates a traffic hazard as the site entrance is onto a narrow road.

Re the self-build aspect of the proposal. More than half of the 120 self-builders listed on Wealden District Council's self-build register as at the end of March 2021 currently reside outside the district. Only one self-builder specifically desires a plot in Wadhurst; one other desires either Mayfield or Wadhurst, but all the other self-builders who desire a plot in Wadhurst also list alternative desired areas that are outside the High Weald AONB. This extremely low level of demand for self-build plots in Wadhurst cannot justify approval of this site.

The parish council notes and supports the comments to the similar application on this site (WD/2019/2252/O) (currently subject to appeal) by the WDC Biodiversity Office that the development is reasoned to result in a biodiversity loss contrary to local and national policy. The parish council also notes that the land was previously known as "Two Beeches Field" and is of historical significance given that in 1863 the last great bare fisted prize fight in England took place in the field comprising this land. This historic fight is of international significance and led to the introduction of Queensbury rules in the modern sport of boxing.

Monkhill Limited v Secretary of State for Housing, Communities and Local Government and Waverley Borough Council (CI/2019/1955/QBACF) confirms that, if a proposal causes harm to an AONB sufficient to refuse planning permission if there were no other considerations, then the presumption in favour of sustainable development set out in NPPF paragraph 11 should be disengaged.

Paragraph 11 d(i) sets out that the presumption does not apply to development where there is a clear reason for refusing the development. This includes AONBs. For sites in Wadhurst, the presumption in favour should not be determined by applying the 'tilted balance' but rather by reference to the specific policies that indicate that development should be restricted in AONBs where great weight is to be given to conserving its landscape and scenic beauty. Therefore, a straightforward 'non-tilted' planning balance applies. As the site is within the High Weald AONB, paragraph 172 of the NPPF provides a clear reason for refusing the development proposed.

On 29th July 2021, the parish council was advised by Bob Standley, the leader of Wealden District Council, that he, along with local conservative leaders, local authority leaders and chief executives, recently met with the Rt Hon Robert Jenrick MP, Secretary of State for Housing, Communities and Local Government, and The Rt Hon Christopher Pincher MP, Minister of State for Housing. At this meeting, the Secretary and Minister of State were informed by Cllr Standley et al that:

1. The housing numbers that Wealden District Council is expected to meet do not sufficiently take into account our environmental constraints; and
2. With 7500 extant planning permissions, Wealden District Council would have a 5 year land supply.

² source: DG2 from High Weald Housing Design Guide
WPC Planning Committee

The district's environmental constraints are none more so than in Wadhurst due to its "outstandingly beautiful landscape cherished by people and celebrated for its scenery, tranquillity and wildlife. Its ridges and valleys are clothed with an intricate mosaic of small fields interspersed with farmsteads and surrounded by hedges and abundant woods, all arranged around a network of historic routeways. One of the best surviving Medieval landscapes in North West Europe, the High Weald has remained a unique and recognisable area for at least the last 700 years". (High Weald AONB Management Plan 2019-2024).

Given the:

- (i) significant environmental constraints, which are not sufficiently taken into account in the district's housing numbers, as Wealden includes the High Weald AONB which is subject to the highest level of protection, and that
- (ii) it is purely in the hands of Developers to determine when and if the district's 7500 extant planning permissions will be built out, which if built out at a reasonable rate would yield a 5 year land supply,

when determining planning applications for sites in the High Weald AONB, it plainly cannot be in the public interest to simply revert to paragraph 11 of the NPPF on the basis of a mathematical accident regarding the 5 year land supply. This mathematical accident is not an exceptional circumstance.

The government target of 300,000 homes per annum announced in 2015 equates to a 5 year target (to 2019/20) of 6.4% in England. What has actually been achieved throughout England is 4.7%. At 5.2%, Wadhurst has **exceeded** the England achievement. Given that Wadhurst is wholly within the High Weald AONB, and therefore subject to the highest level of protection where development should only take place if there are exceptional circumstances, this is a truly shocking statistic. One of the three pillars of sustainable development is the environmental objective – "contributing to protecting and enhancing our natural, built and historic environment." With a higher rate of completions in Wadhurst than throughout England, it is plain that this objective needs to be given far more attention by planning decision makers than at present.

In summary, the Wadhurst Parish Council does not consider that this application is materially different to the refused application WD/2019/2252/O in the harm to this sensitive area and we refer you to our objection to the appeal for WD/2019/2252/O:

Strong Objection

The Parish council strongly objects to the proposed development and the appeal against planning refusal on the following grounds:

- The site is in prime AONB land where development would not normally be considered (EN6)
- The site is of significant local, national and international historic and sporting significance. It was the location of a significant Historical Event and is a draw for tourism: The field was the site of the Last Great Bare-Knuckle Prize Fight which was held between Tom King and John Heenan in December 1863. This fight led to the universal introduction of the Queensbury rules in the sport of Boxing. As well as its intrinsic social value, the preservation of this significant historical site is good for tourism and the local Wadhurst economy.

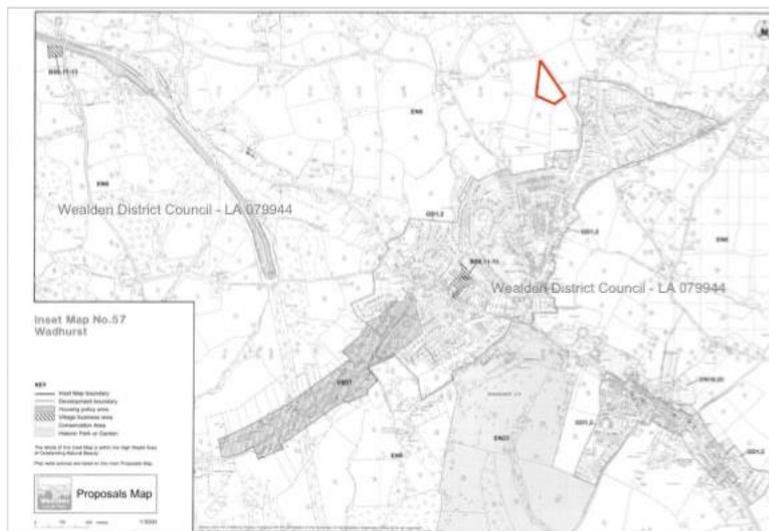
WADHURST PARISH COUNCIL

- The site is outside the well-established development boundary. The site is not even adjacent to the development boundary.
- The proposal will create light pollution in a vitally important and increasingly rare dark-sky area. Protection of this unique and rare dark-sky area is important for the national and global environment, wellbeing, and for the local Wadhurst economy and tourism.
- The site sits on a high ridge-top position with long distant views of the weald - both into and out of the site.
- The site is a greenfield site which has significant biodiversity value- any development will create net biodiversity loss. The site, if developed, would result in a net biodiversity loss in contravention of National Planning Policy Framework 2019, section 175
 - Draft Environment Bill 2019/2020
 - Wealden District Core Strategy Local Plan (2013) Policy WCS12: Biodiversity.
 - Wealden Local Plan 2019 (withdrawn) Policy EA1 Biodiversity
- The proposal is detrimental to the well-used Footpath (Wadhurst 46) which currently has beautiful long views but, under the proposal, would be restricted to becoming a screened alleyway.
- The site is not in a safe walking area - the speed limit changes from 60mph to 30mph within the road frontage of the site; just metres from the entrance to the proposed site.
- No connectivity – the proposal has no footpath to the site and is euphemistically described as a “shared surface street “ the proposal effectively concretes over a grass verge of a historic routeway. Verges are important wildlife corridors and are characteristic of the High Weald.
- It is a 0.9 hectare site – as the site covers an area greater than half a hectare it should be considered as a major development. The detrimental impact occurs because of the scale of the footprint on the environment: at 0.9 hectares the site should be considered a major development due to its detrimental impact on a large area of AONB and the associated net biodiversity loss.
- The proposal is for 5-bedroom executive detached homes when local demand is for smaller homes. This type of housing is not required in Wadhurst, what is needed are smaller, more affordable units. Note that building in an AONB area should only be for exceptional circumstances for local need. (The WPC note that there are **no** affordable housing units included in the scheme.)
- The proposal creates a traffic hazard as the site entrance is onto a narrow road

Further detail:

The site is outside the well-established development boundary

The site is outside the development boundary that was set by the 1998 Local Plan and followed by the 2013 Plan. Note that the site is not even contiguous with the development boundary.



Proposed development is outside the development boundary as defined in the current (1998) and submitted Local Plans. The local plans specifically defined the development boundary with the objective being to prevent outward encroachment of new development into the surrounding countryside; this green field site breaches this carefully considered boundary line.

Wealden Local Plan 1998

19.37.11 of the 1998 Local Plan and maintained (20.12 and 20.16) in the submitted Local Plan

... Along South View Road the development boundary seeks to prevent development encroaching onto the recreation ground and excludes property at the junction with Balaclava lane in view of its open and more rural character”

The site is in the AONB and has an elevated position

The site is in the High Weald Area of Outstanding Natural Beauty (AONB). AONB's are afforded the greatest protection in the National Planning Policy Framework Document 2019 (NPPF). The elevation of the site means the development would be very visible from a large area of the surrounding countryside. Distant views into and out of a site are a major consideration. The site is in a prominent position and any extension to built form into the open countryside would cause significant harm to the intrinsic beauty of the AONB in this area. The site is on a ridge and can be seen from the west, as far away as Dewhurst Lane. . As noted

several times in the LVIA there is little inter-visibility between the site and the settlement of Turners Green to the south-east, but as a consequence the site feels very much part of the wider countryside rather than relating to the settlement. This impression is reinforced by the rural nature of Turners Green Road at this point, itself a historic routeway. The development has been assessed by the experts (the High Weald Unit) as **‘very harmful to the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty’**. This view has been endorsed by Wealden District Council. Any built development on this site would be very harmful to the landscape and scenic beauty of the High Weald AONB as it would extend the settlement of Turners Green out into open countryside onto a site which currently contributes positively to the character of the AONB.

For these two alone (the site being outside the development boundary and within the AONB), the Appeal should be rejected

Case law does not justify building outside the development boundary AND on the AONB

The Court of Appeal has recently decided that the failure of a Council to build enough houses is not a relevant issue once the need to protect the AONB or other protected areas has been established, see 2021 EWCA Civ 74 para 37:

The “tilted balance”, or positive presumption, under paragraph 11d)ii is not available in every case where there are “no relevant policies” of the development plan or the “most important policies” in the plan are “out-of-date”. It is deliberately disapplied in the situation provided for in paragraph 11d)i, where policies of the NPPF that “protect areas or assets of particular importance” – the footnote 6 policies – are engaged, applied and found to justify planning permission being withheld (see the first instance judgment in *Forest of Dean District Council v Secretary of State for Communities and Local Government* [2016] P.T.S.R. 1031, at paragraph 28). Otherwise, the “tilted balance” could work against the protection afforded by those policies and undermine them. This would not only be hostile to the evident objective of the policy in paragraph 11d)i. It would also be inimical to the explicit strategy of the NPPF itself for “sustainable development”.

The site is not Sustainable: Being neither a feasible walk to the station nor the village

The proposed site is distant from services and inaccessible by footpath.

The speed limit on the roadside of the site is partially 60mph and partially 30mph. The speed changes just metres from the proposed entrance. Road users regularly travel above the speed limit as it is used as a cut through “rat run” to the railway station. This makes the developer’s suggested “shared surface street” highly dangerous and inappropriate.

The distance to the village, lack of footpath and lighting, leading to increased car use, makes the site unsustainable (para 8 NPPF)

The appellants state in paragraph 2.5 that “there is a continuous footpath to the railway station, which is a 2.4km and approximately 30 minute walk away”. But separately in

paragraph 6.28, they quote from the Manual for Streets (MfS), 2009, to confirm that “walkable neighbourhoods are typically characterised by a range of facilities within 800 metres walking distance”. They also quote the MfS that “walking offers the greatest potential to replace short car trips, particularly those under 2 km”. So, the journey to the station via Sparrows Green and along Station Road (a 2.4km route), is not a “walkable” option.

The appellants alternative walking short-cut is along a muddy footpath (on notorious Wadhurst Clay) followed by national speed limit narrow lanes, with no footpaths. This is not a sustainable walk for commuters. Three Oaks Lane does not have footpaths, nor does it have lighting, for early morning or evening walks to and from the station. Cars often drive fast along on this narrow lane, which is dangerous for any pedestrians.

To reiterate Wealden’s reason for its refusal, the site for a commuting perspective would indeed be “car dependent”, the least sustainable form of transport. The site is also far from the High Street with the village centre lying 1.9km from the site. Once again, this is more than 800 metres, thereby shifting the balance of likelihood towards car usage. This will be a car-based development, which in planning terms means it is not a sustainable development.

Sustainability: There is significant flooding risk

The run-off from the field already gushes down Three Oaks Lane. The proposal includes adding a concrete footpath on a hill, which would increase the volume of water surging down Turners Green Road into Three Oaks Lane.

The site is elevated and slopes steeply down from left to right, in the direction of Three Oaks Lane and Stonebridge House. For example, along the longest perimeter, a rise of 9m (from 150m to 159m) occurs over a distance of 152m, suggesting a slope of ~6%. This translates into a severe run- off of surface water into Stonebridge House and Three Oaks Lane.

We note the application does not include mains drainage for the 5 plots, and does not support any sustainable drainage system within the site. This means there is significant risk of effluent run-off, in addition to ground water flooding, both within the site and into the public highway outside the site.

The proposed development would lead to ‘site hardening’. Increasing the non-porous surfaces (roofing, tarmac driveways, footpaths) would lead to increased run off down the site and into Three Oaks Lane and Stonebridge House.

The effect of the combination of these factors; namely the risk of effluent and surface water run-off, exacerbated by site hardening, suggests that the development is not environmentally sustainable.

The NPPF 2019 states that;

‘Development should only be allowed in areas at risk of flooding, where it can be demonstrated that it incorporates sustainable drainage systems’ (163c).

(6) Sustainability: Negative environmental considerations

Biodiversity – Net loss

- The proposal would not protect the rare species in the vicinity, such as bats, badgers, dormice, deer, newts, hedgehogs, grass snakes and slow worms, or their habitats. It is laughable to talk about a net gain in bio-diversity, with the planting of new hedgerows, when ancient hedgerows will be removed and a sizeable area of species rich grassland will be built on. The loss of a hectare of species rich grassland means that the site would be a net loss for biodiversity contravening current policy.
 - National Planning Policy Framework 2019, section 175
 - Draft Environment Bill 2019/2020
 - Wealden District Core Strategy Local Plan (2013) Policy WCS12: Biodiversity.
 - Wealden Local Plan 2019 (withdrawn) Policy EA1 Biodiversity

Dark Skies

The sky quality in Sparrows Green/ Turners Green has one of the highest readings in the country and Parish. According to the Wadhurst & District Astronomical Society, 2012, the observations at Sparrows Green, Turners Green area showed an average reading of 20.42 mags/arcsec². The whole area of Sparrows Green and Turners Green is at one of the highest elevations in the parish and increased light brought about by development stands to worsen sky quality, having a deleterious effect on the nocturnal activities of wildlife, such as bats.

Demand is for smaller affordable houses, not for large self-build properties in Wadhurst (source Wadhurst Neighbourhood Plan Household Survey)

An examination of the SBCHR data, provided by Wealden Council reveals that at the time of the original application in July 2020, there were just 5 applicants who cited Wadhurst as one of their preferred locations for self-build houses – and it was not one of the top-five most popular choices.

The development will not meet local housing needs which is for smaller houses which local people can afford and there is no provision of affordable housing. Meeting **local** housing needs is a requirement in Wealden District Council's housing policy WCS8.

Cul-de Sac development contrary to HWAONB management Plan guidance

The proposed cul-de-sac layout is contrary to the historic settlement pattern in this part of the High Weald and contrary to objective S2 of the HWAONB Management Plan. It does not reflect the character of the High Weald as required by objective S3 of the Management Plan (source HWAONB Unit). The High Weald AONB Management Plan has been adopted by all the relevant local authorities with land in the AONB as their policy for the management of the area and for the carrying out of their functions in relation to it, and is a material consideration for planning applications. The Management Plan defines the natural beauty of the AONB in

its Statement of Significance and identifies the key landscape components of the High Weald. The Management Plan then sets objectives for these components and identifies actions that could conserve and enhance the AONB.

The appellant seeks to justify an urban design layout in this rural open location in contravention of Wealden and HWAONB guidance by using examples of poor local infill layout that were built in an era before the designation of the AONB. These examples of poor design are expressly what the Management Plan and detailed guides from Wealden and the High Weald AONB unit sought to improve.

Indeed Paragraph 1-1.1 of the Wealden Design guide states

The purpose of the Guide

1.1 The content of the Guide is intended to encourage a higher standard of design for development within the District than has often proved the case in the recent past.

Cul de sacs are not typical of the historic settlement pattern that justified the 1983 designation as an Area of Outstanding beauty and the local authority is under a duty of care to “conserve and enhance” this very special environment.

Concreting over the grass verge on South View Road

The Appeal proposes constructing a concrete footpath from the corner of the site next to the recreation ground, across the uneven cobbled carpark, around the corner, to join the existing footpath in South View Road. This would destroy the grass verge, is likely to affect the hedgerows, and interfere with their roots. The verges and hedgerows are rich in vegetation and provide habitats for wildlife. It would also damage two mature trees in its path on South View Road.

From HWAONB: Routeways often also function as part of the ecological network, particularly verges and boundary hedgerows/trees. The importance of retaining and enhancing the connectivity of habitats is addressed in DG10 (see HWAONB Management Plan objective R2).

Location of a significant historic event

A core strategy is to promote tourism within Wealden, the loss of this historical site in such a beautiful location will be a loss to the historical attraction of Wadhurst.

WADHURST PARISH COUNCIL

This is the field where the last public bare knuckle prize fight took place between Tom King and John Heenan in December 1863. The fight lasted twenty-four rounds and thirty-five minutes, leading to the introduction of the Queensbury rules for used for modern day boxing.

The National Planning Policy Framework 2019 (184) states that; 'Heritage assets range from sites and buildings of local historical value' and that 'These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so they can be enjoyed for their contribution to the quality of life of existing and future generations'.

The fight is of significant local importance: the WPC has a commemorative plaque in pride of place within its own Parish building (The Pavilion) and the very active Wadhurst History Society displays a plaque at the site itself.

(11) Denigration of the Footpath PRow

The historic footpath / routeway (Wadhurst 46) crosses the field. This has been enjoyed by the community for many years, with people enjoying the tranquillity of the locations and the fine views that it offers. The proposed development would destroy the enjoyment of this well used footpath. It would become a tarmacked route running through an urban cul-de-sac heavily screened with little to no views. The Wadhurst Footpath Society and Wadhurst History Society have both rightly objected to the scheme and their objection included the detriment that will be caused to those using the local footpath.

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 National Planning Policy Framework paragraph 172 requires great weight be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas.

The parish council supports the detailed objection to the appeal lodged by members of North Wadhurst Save Our Fields and supports the many passionate objections by residents keen to conserve this unique environment. Wealden's decision to refuse this application in the first instance is correct as it would be an unacceptable encroachment into fine AONB countryside outside of the development boundary and highly visible due to its elevated position. All local plans have sought to protect this beautiful area of Wadhurst describing it as beautiful rural countryside and we see nothing that should change this within the initial proposal or appeal. We strongly recommend that the Inspector makes a visit to the site to appreciate this unique location before issuing a decision.

6.2.2 WD/2021/1605/F

Consultee expiry date: 6th August 2021

Location: WADHURST COLLEGE, MAYFIELD LANE, WADHURST, TN5 6JE

Description: Retention of existing temporary vehicular access for a further period of up to 6 months.

Comment: **No objection**

6.2.3 WD/2021/1285/MAO

Consultee expiry date: 6th August 2021

Location: LAND TO THE SOUTH OF COUSLEY WOOD ROAD, SPARROWS GREEN,
WADHURST,
TN5 6DY

Description: Outline application (seeking approval of access) for the erection of up to 21 residential dwellings. All other matters reserved.

Land at Cousley Wood Road
Wadhurst
TN5 6DX

WD/2021/1285/MAO

The parish council **OBJECTS** to this application on the following grounds:

This site is an early post medieval field bordered by two historical routeways – Cousley Wood Road and Primmers Green. Wealden District Council's 2019 Strategic Housing and Economic Land Availability Assessment determined that **this site is not suitable for development** for the following reasons:

“The site is located....in the High Weald Area of Outstanding Natural Beauty (AONB). The site comprises part of a medium-sized field of grassland enclosed by hedgerows. The Site boundary does not follow field boundaries; therefore the Site remains open to the remainder of the field on its south-eastern side. There are **extensive** views to open countryside to the south of the site. The site is within the High Weald AONB and has been classified as being in a very highly sensitive location within the 2014 Landscape Character Assessment and **development would have an unjustified impact on the character and appearance of the landscape.**” (emphasis added).

It has therefore already been determined by the local planning authority that **the proposed development causes harm to the High Weald AONB sufficient to refuse planning permission**. The SHELAA does assess all sites put forward in Wadhurst as unsuitable, despite the fact that Wadhurst is wholly AONB. Given the characteristics of this site, it is deemed to be unsuitable for development. Nothing has changed.

WADHURST PARISH COUNCIL

The parish council notes the objection to this application submitted by the High Weald AONB Unit on the grounds that it would result in the loss of an early post medieval field (1500-1599) that positively contributes to the natural beauty of the High Weald AONB. They state that:

“The retention of such early field systems around settlements is a key part of the natural beauty of the High Weald and its largely medieval character. Any development on this field would remove this key landscape component and therefore cannot be said to conserve and enhance the AONB. The development would fail to conserve and enhance the AONB contrary to NPPF paragraph 176 and High Weald AONB Management plan objectives S2, FH2, and OQ4.”

The proposed development is also contrary to WDC policy EN6 which states:

“development within the High Weald Area of Outstanding Natural Beauty, as defined on the Proposals Map, will only be permitted if it conserves or enhances the natural beauty and character of the landscape. Particular care will be paid to the siting, scale, layout and design of development.”

Monkhill Limited v Secretary of State for Housing, Communities and Local Government and Waverley Borough Council (CI/2019/1955/QBACF) confirms that, if a **proposal causes harm to an AONB sufficient to refuse planning permission** if there were no other considerations, then the presumption in favour of sustainable development set out in NPPF paragraph 11 should be disengaged.

Paragraph 11 d (i) sets out that the presumption does not apply to development where there is a clear reason for refusing the development. This includes AONBs. For sites in Wadhurst, the presumption in favour should not be determined by applying the ‘tilted balance’ but rather by reference to the specific policies that indicate that development should be restricted in AONBs where great weight is to be given to conserving its landscape and scenic beauty. Therefore, a straightforward ‘non’tilted’ planning balance applies. As the site is within the High Weald AONB, paragraph 172 of the NPPF provides a clear reason for refusing the development proposed.

On 29th July 2021, the parish council was advised by Bob Standley, the leader of Wealden District Council, that he, along with local conservative leaders, local authority leaders and chief executives, recently met with the Rt Hon Robert Jenrick MP, Secretary of State for Housing, Communities and Local Government, and The Rt Hon Christopher Pincher MP, Minister of State for Housing. At this meeting, the Secretary and Minister of State were informed by Cllr Standley et al that:

3. The housing numbers that Wealden District Council is expected to meet do not sufficiently take into account our environmental constraints; and
4. With 7500 extant planning permissions, Wealden District Council would have a 5 year land supply.

The district’s environmental constraints are none more so than in Wadhurst due to its “outstandingly beautiful landscape cherished by people and celebrated for its

scenery, tranquillity and wildlife. Its ridges and valleys are clothed with an intricate mosaic of small fields interspersed with farmsteads and surrounded by hedges and abundant woods, all arranged around a network of historic routeways. One of the best surviving Medieval landscapes in North West Europe, the High Weald has remained a unique and recognisable area for at least the last 700 years". (High Weald AONB Management Plan 2019-2024).

Given the:

i) significant environmental constraints, including the High Weald AONB which is subject to the highest levels of protection, which are not sufficiently taken into account in the district's housing numbers, and that

ii) it is purely in the hands of Developers to determine when and if the district's 7500 extant planning permissions will be built out, which if built out at a reasonable rate would yield a 5 year land supply, when determining planning applications for sites in the High Weald AONB, it plainly cannot be in the public interest to simply revert to paragraph 11 of the NPPF on the basis of a mathematical accident regarding the 5 year land supply. This mathematical accident is not an exceptional circumstance.

The parish council have been advised that there is a covenant on this land, prohibiting building. The ability to build out the site if permission were to be granted is therefore far from certain, and this should be factored into the decision regarding whether or not to grant planning permission, as it is likely it would make no difference to the 5 year land supply.

The government target of 300,000 homes per annum announced in 2015 equates to a 5 year target (to 2019/20) of 6.4% in England. What has been achieved throughout England is 4.7%. At 5.2%, Wadhurst has exceeded the England achievement.. Given that Wadhurst is wholly within the High Weald AONB, and therefore subject to the highest level of protection where development should only take place if there are exceptional circumstances, this is a truly shocking statistic. One of the three pillars of sustainable development is the environmental objective – "contributing to protecting and enhancing our natural, built and historic environment." With a higher rate of completions in Wadhurst than throughout England, it is plain that this objective needs to be given far more attention by planning decision makers than at present.

Further detailed reasons for our objection are provided below:

Suitability of site location/impact on landscape

The site is wholly unsuitable for development.

It is in the High Weald Area of Outstanding Natural Beauty (AONB), outside of the development boundary, and therefore contrary to policies GD2 and DG17 of the Wealden Local Plan.

WADHURST PARISH COUNCIL

When the development boundary was defined, WDC's stated aim for Wadhurst was:

“to protect its environment, the rural fringe areas and the surrounding countryside from development that would be detrimental to its character.”

The development boundary:

“took full account of the sensitive ridge-top setting of the village within the High Weald Area of Outstanding natural Beauty, and the diverse character of existing development....it seeks to prevent an outward encroachment of new development along the main roads and an intensification of development in a number of fringe areas which would be detrimental to their more rural character.....the development boundary follows Cousley Wood Road and the rear of properties along its eastern side, excluding further land to the south-east to prevent encroachment into open countryside.”

The High Weald AONB Management Plan notes that “the areas around the Weald experienced a substantial and disproportionate increase in housing compared to the rest of England in the inter-war period.” The High Weald AONB was designed in 1983; the extant Wadhurst development boundary followed in 1998. It was designed to, and has been a vital tool in, protecting the High Weald AONB countryside of Wadhurst from a substantial increase in housing, and this must continue. This unique and recognisable landscape of over 700 years must be protected in perpetuity, and this means retaining the rural character. The development boundary is not, as is oft suggested, “out of date”, but, in this context, at 23 years old, in its infancy.

The site lies within the landscape setting area (LSA) 2 as identified in the Wealden Landscape & Settlement Character Assessment Supplementary Report (2016). This assessment evaluated LSA 2 as having a very low landscape capacity for accommodating development because “this area is situated within the High Weald AONB which contributes to its Very High Landscape Value. The wooded ghylls and stream corridors are highly sensitive landscape features and there is strong strength of place throughout, resulting in Very High Landscape Sensitivity.”

LSA2:

CRITERIA	ASSESSMENT
Distinctiveness	Unique/rare
Continuity	ancient
Strength of place	Very strong
landform	dominant
Tree cover	intermittent

WADHURST PARISH COUNCIL

visibility	High
Landscape sensitivity	Very high
Landscape value	Very high
Landscape capacity	Very low

The report notes the following key landscape constraints to be safeguarded:

- 1) Field boundaries and their vegetation.
The field boundaries are historic and contribute to the unique ancient field patterns characteristic of the High Weald. The shaws and trees around the Site contribute to green infrastructure by providing existing well-connected vegetation which enables species movements through and beyond the Site, whilst reinforcing historic landscape character. They also help to visually contain the Site.
- 2) Rural character of Cousley Wood Road and Primmers Green
These are known historic routeways which contribute to both the character of the local area and the wider High Weald AONB. Avoiding/reducing intrusive highway engineering (eg urbanising features such as wide visibility splays, lighting and associated suburban features) on rural lanes and historic routeways is a target in the statutory AONB Management Plan.

There are views in to the site from five key visual receptors, and a broad zone of visual influence. There are extensive views, and also glimpsed long views, and both are protected.

Views of the 12th century tower of the Grade 1 Listed St Peter and St Paul church, a culturally important landmark, are clear from within this site, and beyond the site from Cousley Wood Road and Primmers Green. The site is exposed in views from the south and south-east.

Example views taken from google street maps:



An intrinsic part of the beauty of the High Weald AONB is its unusually dark skies, some of the darkest in the South East. The High Weald AONB unit report that Sky Quality meter (SQM) readings taken around Wadhurst indicate skies as dark as 21.09 mags/arcsec² – a figure that corresponds to Silver Tier International Dark Sky Reserve, described by the International Dark Sky Association as being: “Night-time environments that have minor impacts from light pollution and other artificial light disturbance, yet still display good quality night skies and have exemplary night-time

lightscares. Given the far-reaching views from and into the site, there would be considerable light pollution, causing harm to the unusually dark skies.

Access design & accessibility & highways

The proposed access to the site is from Cousley Wood Road. As referred to above, the SCAR identifies Cousley Wood Road as a known historical routeway which contributes to both the character of the local area and the wider High Weald AONB. The High Weald AONB Management Plan (the Plan) identifies a dense network of historic routeways as one of the components of the natural beauty of the High Weald.

Objective R1 of the Plan is:

“to maintain a routeway that has a symbiotic relationship with settlement location, hinterlands and identity, and is a rare UK survival of an essentially Medieval landscape; and to protect the individual archaeological features of historic routeways.”

One of the top five issues identified in the Plan is:

“insensitive highway engineering including passing bays, deep visibility splays to entrances and suburban signage and lighting.”

Two of the proposed actions in the Plan are:

“discourage new access points that damage the character of sunken routeways or dilute the pattern of routeways.”

“ensure that routeways are recognised as non-designated heritage asset in the planning process.”

The proposed access would require intrusive engineering and deep visibility splays would be required due to the proximity to several bends in the road. It would cause significant damage to the character of this historical routeway at the settlement edge. Visual amenity is important along this approach road to the village.

It would also require the removal of species rich hedgerow. It should be noted that, under the Hedgerow Regulations 1997 (as amended), Wealden District Council served a notice on the landowner of Little Windmill Farm, Cousley Wood, requiring planting of a hedgerow following the removal of a hedgerow on this land. This underlies the importance of retaining such hedgerow.

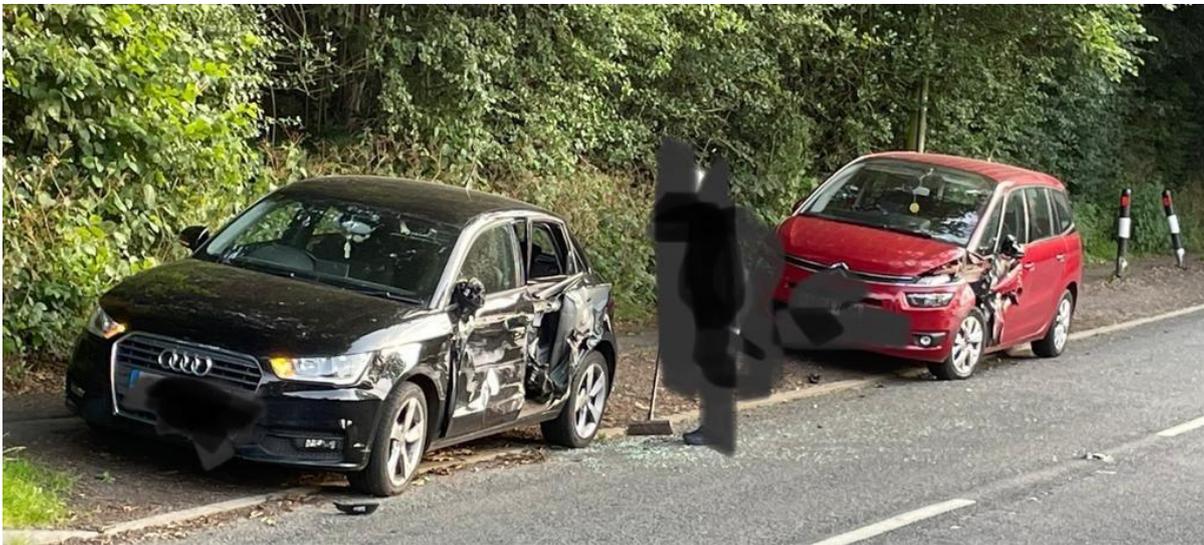
The Parish Council notes that the road safety audit was carried out during the Covid-19 pandemic when traffic movements were extraordinarily low. The results of this survey simply cannot be relied upon in determining highway safety and should be given limited weight. The observations of parishioners are that, due to on-street parking, stretches of Cousley Wood Road are subject to single lane traffic, in

WADHURST PARISH COUNCIL

particular the length passing Culverden Veterinary Practice and the Co-op and primary school.

Culverden Veterinary Practice has off-street parking, with frequent traffic turning in and out during opening hours. The pavements, where they exist, are narrow and many dwellings along this stretch have no amenity space at the front, with front doors opening straight on to the pavement, a few feet from the road. The parish council has been approached in the recent past regarding the danger to children, in particular, using this stretch of road when walking to and from the village schools. There are also concerns regarding highway safety further towards Cousley Wood, where the footpaths end on both the north and south side of the B2100 in the vicinity of Weald View. The parish council has been advised by East Sussex Highways that, for safety reasons, this is not a suitable location for a crossing given the obstructed view caused by the hill.

In July 2021, two vehicles parked just slightly down the hill from the site were badly damaged by a passing car. This is a regular occurrence on this stretch of road.



Primmers Green, Pell Hill and Blacksmiths Lane are all narrow, steep, one track ancient routeways, unsuitable for the traffic that already uses them to avoid the congested High Street. Development of this site would push more vehicles on to these ancient routeways, endangering pedestrians and animals. The nearby narrow roads with on-street parking of Gloucester Road, Western Road, Cockmount Lane are also liked to be used as a cut through to avoid the junction with Sparrows Green Road and Station Road when travelling out of the village via Mayfield Lane and Station Road towards the rail station. This will also include using the one track ancient routeway of Jonas Lane and its substandard junction with Station Road, one of the main routes in and out of the village. These roads are yet to bear the brunt of the approved development of 21 dwellings in Old Station Road, and predominantly without footpaths, and cannot safely and reasonably accommodate any further traffic.

Trees, hedges and ecology

WADHURST PARISH COUNCIL

The LEAS identifies that the site forms part of a grassland field with mostly species rich hedges on three sides. It is set within a relatively extensive and intact hedgerow network which includes frequent trees and with potential for protected and notable breeding birds. There is also the potential for dormice and badgers in hedges. Woodland, including Ancient Woodland, is relatively plentiful and includes both large and small parcels.

There is an area of richer grassland on a bank between the hedge and Cousley Wood Road.

The following BAP Priority Habitats have been identified within 1km of the site:

Ancient and semi natural woodland	Osmers Hill Shaw
“	Monks Wood
“	Lucks Wood
“	Pump House Shaw
“	Three Oaks Lane Shaw
“	Beech Wood
“	Wadhurst Castle Shaw
“	Little Pell Wood
“	Blackman’s Wood
“	Great Pell Wood
Wood pasture and parkland BAP propriety habitat	Part of Wadhurst Castle estate
Lowland meadow BAP priority habitat	Part of Wadhurst Castle estate
Lowland dry acid grassland BAP priority habitat	unnamed

The following protected and notable species have been identified within 1km:

Protected species	Slow worm
“	Serotine bat
“	Grass snake

WADHURST PARISH COUNCIL

“	Noctule bat
“	Common pipistrelle bat
“	Pipistrelle sp. bat
“	Brown long-eared bat
Sussex BAP species	European hedgehog
“	White admiral
Notable bird inventory	swallow
Invasive alien species inventory	Horse-chestnut leaf-miner
“	Wall cotoneaster
“	monbretia
“	Japanese knotweed
“	Indian balsam
“	Variegated yellow archangel
“	Rhododendron

Flood Risk

The site is on raised ground in relation to Primmers Green. The parish council is concerned regarding increased run-off from this land if developed, particularly in the basin at Pell Bridge. Flooding already takes place in this area during heavy rain.

Residential Amenity

Development of this site would result in a loss of residential amenity as the field has been used as an amenity space residents for decades.

Layout of Site and Design of Dwellings

As this is an application for outline planning permission, the parish council makes no comment at this stage regarding the layout of site and design of dwellings.

Neighbourhood Plan

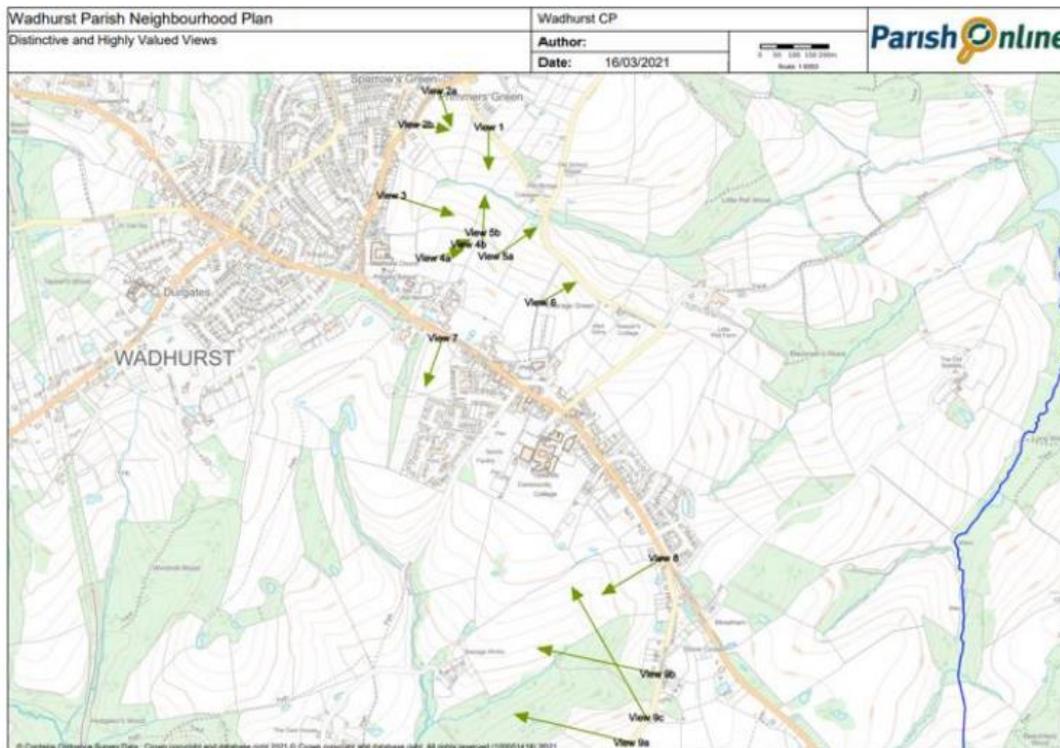
The emerging Wadhurst Neighbourhood Plan identifies the field as a green gap in order to avoid coalescence between Primmers Green and Wadhurst village.

The views in this area are also identified under the list of proposed distinctive and highly valued views;

Table 3 – List of Proposed Distinctive and Highly Valued Views

Reference	Criteria 1	Criteria 2	Criteria 3	Criteria 4	Criteria 5	Criteria 6
	Contribution to landscape setting	Distinctiveness	Continuity	Strength of place	Visibility Landform	Visibility Tree cover
View 1 Field next to Primmers (East)	Major	Unique/rare	Ancient	Very strong	Dominant / Panoramic	Open
View 2 Primmers Green Field	Major	Unique/rare	Ancient	Very strong	Dominant / Panoramic	Open
View 3 Field next to Primmers (South)	Major	Unique/rare	Ancient	Very strong	Dominant / Panoramic	Open
View 4 Field next to View 3	Major	Unique/rare	Ancient	Very strong	Dominant / Panoramic	Open
View 5 Field next to View 4	Major	Unique/rare	Ancient	Very strong	Dominant / Panoramic	Open

Figure 15 - Map of Distinctive and Highly Valued Views



.....

6.2.4 WD/2021/1302/LB

Consultee expiry date: 9th August 2021

Location: 4 CHURCH STREET, WADHURST, TN5 6AR

Description: Replace broken/cracked/slipped roof tiles, repair chimney stack, replace gutters, replace 2 rotten Georgian style windows.

Comment: **No objection.** The parish council notes that the upvc guttering to the rear is a like for like replacement, and does not see any history of planning permission being approved for the installation of upvc guttering on this listed building. We would prefer cast iron guttering. We also note the applicant's reference to the "illegally installed modern roof light". We request that both of these items are regularised by WDC.

6.2.5 WD/2021/1654/F

Consultee expiry date: 4th August 2021

Location: CHURCHSETTLE BARN, CHURCHSETTLE LANE, WADHURST, TN5 6NH

Description: Raised rear terrace and new doors to rear elevation

Comment: **No objection.** The parish council requests that the glass balustrades are non-reflective.

6.2.6 WD/2021/1650/F

Consultee expiry date: 4th August 2021

Location: OLD SCHOOL HOUSE, PELL HILL, WADHURST, TN5 6DS

Description: Single storey pitched roof rear extension to form dining area

Comment: **Object.** The south elevation, where it is proposed to form the extension, is an exposed location, highly visible from Blacksmiths Lane, some distance from the dwelling in an area of open countryside. The parish council objects to the glazed gable due to the harm caused to the dark skies by light pollution. An intrinsic part of the beauty of the High Weald AONB is its unusually dark skies, some of the darkest in the South East. The High Weald AONB unit report that Sky Quality meter (SQM) readings taken around Wadhurst indicate skies as dark as 21.09 mags/arcsec² – a figure that corresponds to Silver Tier International Dark Sky Reserve, described by the International Dark Sky Association as being: "Night-time environments that have minor impacts from light pollution and other artificial light disturbance, yet still display good quality night skies and have exemplary night-time lightscapes."³ The parish council would be more sympathetic to the application if a condition was imposed requiring night time shielding of the glazing by means, for example, of curtains or blinds, or electrochromic glazing, in order to avoid light pollution. Given the

³ <http://www.highweald.org/look-after/dark-skies.html>
WPC Planning Committee

WADHURST PARISH COUNCIL

exposed location, the parish council also requests that all additional glazing added to the exposed elevations are non-reflective.

6.2.7 WD/2021/1429/F

Consultee expiry date: 13th August 2021

Location: WOODHEY, HOLLYDENE ROAD, WADHURST, TN5 6TT

Description: Part single-/part two storey side extension and single storey rear extension; new open porch and steps; render finish to existing brickwork to ground floor on front elevation.

Comment: **Object.** The parish council is concerned regarding the impact on the neighbouring property, Rosewood, to the east, in terms of the proposed build right to the boundary between the properties, and also that proposed window to the 1st story window to the south elevation would overlook the privacy zone of Rosewood.

To consider notices of decisions received:

Certificate of Lawful Development: *None*

Raise no Objections: *None*

Prior Approval Required: *None*

Not Issued: *None*

Issued:

Application: WD/2021/1294/LDE

Location: THE BUNGALOW, SKINNERS FARM, BEST BEECH HILL, WADHURST, TN5 6JT

Description: Non-compliance with planning permission T/1963/1447/F(erection of bungalow for agricultural worker) including condition 1 (agricultural occupancy condition). Use of land as residential in association with the bungalow, Skinners Farm.

Decision: Issued by WDC

Application: WD/2021/1195/F

Location: BROOKFIELD, OLD STATION ROAD, WADHURST, TN5 6QH

Description: Single storey side extension to provide WC and replacement windows to store on north west elevation.

Application **approved** by Wealden District Council

Application: WD/2021/1228/F

Location: 1 ELDENHURST, OLD STATION ROAD, WADHURST, TN5 6UA

Description: proposed single storey rear extension with internal/external alterations.

Application **approved** by Wealden District Council

Application: WD/2021/0511/F

Location: HIGH WEALD FARM, BUCKHURST LANE, WADHURST, TN5 6JY

Description: To erect a white PVCU framed conservatory to the rear of the property

Application **approved** by Wealden District Council

Application: WD/2021/0740/FR

Location: 16 WESTERN ROAD, SPARROWS GREEN, WADHURST, TN5 6TX

Description: Retrospective garden outbuilding

Application **approved** by Wealden District Council

Refusals: *none*

Withdrawn: *None*

Permits the Modification: *None*

Appeals: *None*

Enforcement Notice: *None*

Breach of Conditions Notice: *None*

7. Planning Control & High Street Planning Enforcement

8. To discuss Tree Preservation Orders:

8.1 Application: TM/2021/0178/TPO

Location: The Paddock, Cousley Wood Road, Wadhurst, TN5 6DX.

Description: Crown reduction of 2m all round to one oak tree within tree preservation order (WADHURST) TPO/2011/0019. - **noted**

8.2 TM/2021/0233/TCA *For noting only*

Location: JARDIN D'AUBERS, HIGH STREET, WADHURST, TN5 6BX

Description: Retrospective application for Woodland maintenance.

Applicant: Claudine Feltham on behalf of Wadhurst Parish Council - **noted**

9. Conservation areas - none

10. Community Infrastructure Levy - none

11. Policy

Consideration of a new policy for pre application developments – **Action Cllr C Moore to prepare draft policy**

12. Urgent issues – none

Meeting closed 11.01 hrs