

# WADHURST PARISH COUNCIL

## **Minutes of a meeting of the Planning Committee held at The Pavilion, Sparrows Green Recreation Ground, South View Road, Wadhurst on 22nd January 2022 at 09.30 hrs.**

**Meeting commenced at 09.35 hrs**

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

### **AGENDA**

1. To receive apologies for absence - **none received**
2. To receive declarations of interest and updates to members' register of interests - **none**
3. To approve the minutes of the meeting of 8<sup>th</sup> January 2022 – **approved**
4. To discuss matters arising from the minutes of the meeting of 8<sup>th</sup> January 2022 - **item 8 is outstanding; item 11.1 on agenda for 22/1/22; item 14.1 on agenda for 22/1/22; 14.3 Deputy Clerk has advised that Cllr Edwards has advised that his role as parish representative to the Bewl Water Monitoring Group is not to do with planning but activities in relation to licenses etc.**
5. Public forum – time limit 15 minute – **no members of the public present**
6. To consider licence and planning applications received and make recommendations
7. [WD/2021/1285/MAO](#)  
Land to the south of Cousley Wood Road, Sparrows Green, Wadhurst, TN5 6DY
8. [WD/2021/0559/MAJ](#)  
Weald Hall Residential Home, Mayfield Lane, Wadhurst, TN5 6HX.
9. Planning Control (& High Street Planning Enforcement)
10. To discuss Tree Preservation Orders
11. update on TPO **WD/2021/1285/MAO**
12. Conservation areas
13. CIL
14. Policy/Correspondence/Consultations
15. Urgent Issues

### **6. Licence and planning applications**

#### **6.1 Licencing:**

None

#### **6.2 Planning:**

##### **6.2.1 [WD/2021/2925/F](#)**

Consultee expiry date: 26<sup>th</sup> January 2022

Location: BEWL WATER, SAILING HUT, BEWLBRIDGE LANE, COUSLEY WOOD, WADHURST, TN3 8JH

Description: change of use to form 1 x 1 bed tourist unit

**COMMENT: Strongly object**

**Bewl Water is a very special part of the High Weald Area of Outstanding Natural Beauty (HWAONB), being the largest body of open water in the Southeast. As a result, there are unique opportunities for water and nature-based activities that do not exist elsewhere for a considerable distance. Bewl Water is a haven for wildlife, particularly wildfowl. It is exceptionally tranquil and has exceptionally dark skies. These characteristics have made it a popular destination for the community for eco-friendly water and nature-based activities such as rowing, sailing, fishing, walking, cycling, and bird watching.**

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The 2016 East Sussex County Council (ESCC) landscape character assessment includes the following positive landscape attributes of the Bewl Water area:

- Tranquil southern banks and nature reserve which provide quiet informal access;
- Areas of remote countryside on the undeveloped spurs around the reservoir;

Largely unspoilt and tranquil rural landscape with few intrusive features. The reservoir has become an established natural and recreation feature...it retains a relative remoteness.

The assessment sets out the following vision for Bewl Water:

“an attractive large water feature as a tourist facility offering active recreation as well as tranquil enjoyment. A tranquil and remote area of the High Weald and in conjunction with the neighbouring areas a mysterious ‘wilderness’ with the extensive woodlands and Bewl Water as the core.....the informal recreation value of the area maximised without detracting from the remoteness of the area.”

Its landscape management guidelines state:

“maximise opportunities for and manage water based recreational activities where these would not conflict with wildlife.”

Section 3(5) of the Water Industry Act 1963 requires Southern Water to ensure the reservoir’s “water ... is made available for recreational purposes and is so made available in the best manner.”

Given the ESCC landscape character assessment and the HWAONB location of this proposal, the parish council is of the firm opinion that the best manner in which to make this land available for recreational purposes is one which:

1. Does not conflict with wildlife;
2. Retains its informal recreation value;
3. Provides tranquil enjoyment;
4. Is retained as a mysterious ‘wilderness’.

This application is in conflict with this, and does not conserve or enhance the High Weald AONB.

### Change of character of the area

Parishioners are concerned that, contrary to the ESCC vision for Bewl Water, the proposal indicates a move away from the historic water and nature-based informal, tranquil and unspoilt character of Bewl Water, and towards a commercial ‘centre-parks’ character. Policy TM4 of the local plan specifically seeks to resist new holiday villages within the HWAONB. It is considered that the nature of this scheme represents the incremental advancement towards such a holiday village; there is currently another planning application on the same site (WD/2021/0638/F). WDC has previously asked for a comprehensive plan for the site rather than piecemeal applications. Without a comprehensive plan the proposals should be refused as it is not clear how the lack of facilities on site for this change of use to overnight accommodation will be addressed, and hence it is unclear as to the wider impact on this

**HWAONB location. There are no facilities at Bewl Water for overnight visitors. This new use as overnight accommodation will bring pressure for more development for on-site entertainment and pub-type facilities; alternatively, visitors will drive off-site in the evenings, creating noise and light pollution when returning.**

**Overall, the proposal would encroach urban development into the site which would jar with the rural, tranquil, character of the area. As such the scheme is clearly harmful to the wider HWAONB landscape. Bylaws made under the Countryside Act 1968 by Southern Water are in place to protect the tranquility of Bewl Water and these ought to shape how the site operates. These ought to factor into the decision making process by WDC, who have an interest in the land being properly managed being a party charged with the enforcement of some of the Bylaws.**

**The proposed use would fundamentally change the character of this particular building which clearly has its origins in its close relationship to the water. It is a prominent building on the landscape. It sits near the water's edge in an elevated position without any screening around it. The proposal would cause harm to the traditional and interesting design of the host property. The comings and goings of people and the associated noise and external domestic paraphernalia (particularly so due to the small nature of the building) would reinforce this harmful urbanising effect. The building fails to meet residential standards, being around half the size needed for a one bed apartment. There is no internal stairwell, which means guests will need to use the external stairwell in the dark in order to reach the WC, carrying keys to open the ground floor doors. The developer states that the application is for a self-contained unit, but there are no proper facilities for the storage, preparation and cooking of food; an external WC, and no shower or bathing facilities.**

**A number of grade II listed buildings are positioned a short distance across the reservoir to the south. The Council has a statutory duty to have special regard to preserving the setting of these listed buildings. The harmful, urbanising effect of the proposal on the tranquil, intrinsically dark character of the HWAONB and the rural character of the immediate area would present harm to the setting and significance of the listed buildings.**

### **Noise Nuisance**

**The Bewl Valley functions as a natural amphitheatre. Even modest noise from one side carries all around the valley. Sound travels long distances undiminished over water. Because Bewl Water lies in a bowl, residents all around Bewl's bowl suffer noise from Bewl's visitors and activities. The micro nature of the building will inevitably lead to extensive use of the raised decking area and the area around the building, leading to extra sound pollution, which will be outdoor in nature and far more difficult to control.**

**Parishioners have raised numerous complaints of noise nuisance with the existing activities already.**

### **Non-compliance with previous planning conditions**

**In addition to current complaints about noise, the WPC notes numerous resident concerns about non-compliance with previous planning conditions and draws WDC's attention to these. With regard to application WD/2021/0638/F, on the same site, a resident's (M Ford) submission to WDC states:**

**“This application should not be considered as the applicants have proved unwilling to meet the conditions imposed on their previous application at Bewl Water. Conditions put on the temporary camping permission WD/2020/0717/MAJ have been ignored by the Applicant and have not been enforced by WDC despite complaints to WDC. Therefore, it may be concluded that any conditions placed on the fishing lodge conversion will similarly be ignored and not be enforced.”**

**In addition:**

**Yurts are currently being advertised for winter breaks when a condition was no camping between 1 October and 30 April; bookings can be made on Bewl Water Events website;**

**the removal of the mobile toilet block during the 7 non-camping months has not been complied with;**

**the condition requiring changing Bewl’s vehicle exit (at least during the camping season) was also not implemented during last summer’s camping season.**

### **Threat to Dark Skies**

**The unusually dark skies over the High Weald AONB have been identified as worthy of conservation by the International Dark Sky Association. Dark skies are an intrinsic part of the landscape and scenic beauty of the High Weald AONB. Interest in ‘dark sky tourism’ is a growing trend that local tourism businesses could target and benefit from. Wadhurst has some of the darkest skies in the South East (Sky Quality Meter readings taken around Wadhurst indicate skies as dark as 21.09 mags/arcsec<sup>2</sup> – a figure that corresponds to a Silver Tier International Dark Sky Reserve). It follows from this that Bewl Water enjoys some of the best dark skies in the Southeast. This can be confirmed from the interactive dark skies map on CPRE’s website.**

**The Race Box, referred to by the applicant as the “sailing hut”, lies directly between Lamberhurst and Wadhurst. The ‘made’ Lamberhurst Neighbourhood Plan acknowledges that most of Lamberhurst has dark skies and the Plan contains a dark skies policy with the objective “To retain dark skies over the parish”. Wadhurst has an emerging Neighbourhood Plan with a similar objective and a policy that does not support development proposals which detract from the unlit environments of the Parish.**

**The micro nature of the building would inevitably lead to extensive use of the raised decking area and the area around the building, which would lead to extra light pollution, outdoor in nature, and is far more difficult to control. Large sections of glazing will persist in the proposals. This would increase light spill since the hut would have been, until now, modestly lit for limited hours. The impact of this light would be exacerbated by reflection from the adjacent body of water, that would draw the eye to the discordant, urbanised nature of the scheme. The proposal does not include any measures to prevent light pollution. Furthermore, vehicle headlights from night-time vehicle movements will further increase light pollution and can be expected to be extensive as there are no evening or night-time facilities at Bewl Water. See saved policy EN29.**

## Detrimental impact on Wildlife

Bewl Water is recognised as the most important inland water in the Southeast for migrating and indigenous waterfowl, with many protected species including ospreys. As the Fishing Lodge is located on raised ground overlooking the waterfront, noise and light pollution (as outlined above) from overnight use will be detrimental to Bewl Water's wildfowl.

The Sussex Ornithological Society (SOS) has submitted an objection to this application. They point out the following:

- 1) The applicant has answered "no" to the question regarding the presence of priority species adjacent to the proposed development. SOS state this is misleading as Bewl Water is an extremely important site for roosting gulls to the extent that it is recognised to be an internationally important site for two species of gulls. These species are amber listed species of medium conservation concern, and as such have a high degree of protection. Also present are herring gulls, a red listed species of high conservation concern.
- 2) British Trust for Ornithology Wetland Bird Survey data shows that Bewl Water is the only site in the UK where *larus canus* numbers are so high that it is recognised to be of international importance for this species. It is also one of only two sites in the UK where *chroicocephalus ridibundus* numbers are so high that the site is recognised to be of international importance for this species as well. The numbers of *chroicocephalus ridibundus* and *larus canus* present are exceptional, and as such, no development should occur that could affect the attractiveness of Bewl Water to roosting winter gulls.
- 3) Roosting gulls require a night-time environment that is dark and free from disturbance. Bewl Water is attractive for roosting because the shoreline is free of humans in the evening and overnight due to their being no residential accommodation along the shoreline in the October to March period when the wintering influx of gulls are present.
- 4) Residential development along the shoreline would cause disturbance to the gulls through lights being switched on and off, and because the occupants may walk along or socialise on the shore in the evening. Voices and movements would cause disturbance to the gulls roosting offshore. Dogs would also cause disturbance.

## Loss of water-based recreational opportunities and detrimental impact on tourist/visitor numbers

The proposals will result in the loss of the Race Box/"sailing hut", which, contrary to the applicant's statement, we understand to be fully equipped and operational for officiating racing and safety observations, and in regular use by a number of sailing disciplines. There are no proposals to replace it, and its loss would prevent sailing activities from functioning and expanding. We are informed that Bewl Sailing Association is now trying to resurrect sailing at Bewl, and there are around 280 sailing boats in the boat park. As such:

- i) The plans do not comply with the Water Industry Act requirement to ensure the reservoir's water is made available in the best manner for recreational purposes\*

- ii) **The plans contravene the East Sussex County Landscape Management Guidelines for Bewl to maximise opportunities for water based recreational activities (where these would not conflict with wildlife).\*\***

The proposal does not, as the applicant states, “make better use of the building and introduce a use that is better suited to the other leisure and recreational activities already available at Bewl Water.” It was purpose built for its current use, which is entirely compliant with the Water Industry Act requirement to ensure the reservoir’s water is made available in the best manner for recreational purposes. The applicant points out that Bewl Water is an established activity destination, with fishing and sailing “key elements of the visitor experience.” This will not be possible if the use of the Race Box/”sailing hut” is changed to accommodation, and the tandem application [WD/2021/0638/F](#) for the change of use and extension of the fishing lodge to form 4 x 1 bed tourist units is also approved.

The WPC disagrees with the applicant’s statement that the proposal supports sustainable rural tourism. In fact, visitor numbers will be restrained by the proposed new use. This is because there will be a loss of tourist and local community water-based recreational opportunity by removing amenities/ potential opportunities that can be used by the many for sailing in favour of overnight accommodation that will then only be usable by the few (a comparably very small number of overnight visitors). As the developer points out, the site’s geographic location draws visitors of all ages from the towns of East Sussex, West Kent, London and beyond. They report their own research that there is a large population base within an overall 90 and 120 minutes drivetime contour. As they say, “a population of some 12.5 million residents live within the two-hour drive time of Bewl Water – which is clearly significant.” We agree. This is a significant number of people within reach of the water-based recreational activities that the reservoir provides, enabling the reservoir to be used “in the best manner for recreational purposes” (Water Industry Act) and for water based recreational activities (East Sussex Country Landscape Management Guidelines for Bewl). The developer goes on to state that “Bewl Events and Waterparks Ltd recognise the value of Bewl Water to the local and regional recreational and tourist market both directly and indirectly, and the significant contribution it makes to the economy of the surrounding area including the employment.” The value of Bewl Water is in amenities that can be used by the many, and not in an extremely small number of overnight visitors that could be accommodated in a substandard one bedroom accommodation with no bathing facilities and an outside WC.

It would be of considerable detriment to lose the sailing amenities, which of course require a body of water, in favour of a use (accommodation) which does not require the special characteristics of Bewl and could instead be placed pretty much anywhere else in the district.

### **Biodiversity**

The proposed development is close to Ashdown Forest Special Area of Conservation (SAC). The SAC accommodates important flora and fauna, which could readily be adversely affected by additional recreational pressures. In addition, the Council’s own assessments have found that the critical levels for annual mean NOx and NH3 are being exceeded alongside roads which are in the SAC. There is a risk that this proposal would give rise to likely adverse effects to the SAC, either alone or in combination with other developments (such as the

fishing lodge submission) through recreational activity and also via air pollution including nitrogen deposition. The council cannot grant planning permission without certainty that the proposal would not adversely affect the integrity of a site protected under the Habitats regulations 2017, as amended, and must therefore perform an appropriate assessment to address whether this proposal would adversely affect the integrity of the SAC, but it cannot do so in the absence of an HRA.

Ecological assessment of nearby SSSIs Scotney Castley and Combwell Wood have not been provided. The Council therefore cannot be certain that this scheme would not result in additional harm to biodiversity within these two SSSIs.

### Other matters

The WPC notes resident concerns about the road access which are also relevant to this application. In an objection to application WD/2021/0638/F on the same site, a resident, M Ford, notes:

“Roadway access to the Fishing Lodge from Bewl Water’s entrance shown on the Site Plan accompanying the application is contrary to the internal road circulation within Bewl Water. This is shown on Condition Plan 9509-018-Internal Road Layout, being the plan produced by Monson, drawing number 9505/01 Issue B, submitted to the Council in December 2021 in discharge of condition 5 to planning approval WD/2020/0717/MAJ. This latter plan clearly shows the SW/NE roadway up from the waterfront behind the Boat House Bistro to be one way, exit only and not a roadway to the Fishing Lodge.”

The WPC draws WDC’s attention to the concerns raised regarding applications on the other side of the reservoir and a potential lack of consistency between LPA’s:

“Recent planning applications on edge of Bewl (in Rother) have severely restricted glazing on the elevation overlooking the reservoir citing concerns about Dark Skies and light pollution, this development is much more sensitive as there is no screening from the water and light spill will cause reflection and glare from the water.” (J Kent, objection to application WD/2021/0638/F).

The WPC notes the safety concerns from the former Head Ranger submitted in response to the consultation on WD/2021/0638/F on the same site, and therefore applicable to this application, and draws WDC’s attention to these:

“This proposal gives me sleepless nights, with the Fishing Lodge which was the main lookout from a very prominent position overlooking the main water area and was used by the staff to monitor the recreational activities on the water. The proposed use as overnight accommodation without any active surveillance this close to the water’s edge is dangerous! One of the undertakings given in the Act of Parliament 1968 that created BEWL was that it should be used for supervised recreation, which means only daytime use. As it is impossible to monitor the vast 15 mile shoreline properly at night.” ( A Lloyd).

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### **Non-compliance with Section 3(5) of the Water Industry Act 1963**

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\* Section 3(5) of the Water Industry Act 1963 requires Southern Water to ensure the reservoir's "water ... is made available for recreational purposes and is so made available in the best manner."

\*\*The Landscape Management Guidelines in The East Sussex County Landscape Assessment for Bewl Water include "Maximise opportunities for and manage water based recreational activities where these would not conflict with wildlife".

### 6.2.2 [WD/2021/2988/FA](#)

Consultee expiry date: 26<sup>th</sup> January 2022

Location: RIVENDELL, FAIRCROUCH LANE, WADHURST, TN5 6PN

Description: variation of condition 2 of application number wd/2020/1611/f (replacement of stable building, installation of outdoor swimming pool with associated outbuildings and hand landscaping, including step access.) to allow for the pool ground level to be reduced and reduce associated pool buildings from 2 structures to 1.

**COMMENT: No objection**

### 6.2.3 [WD/2021/2969/F](#)

Consultee expiry date: 20<sup>th</sup> January 2022 (**extension granted until 26<sup>th</sup> January**)

Location: 4 EASTFIELD COTTAGES, TIDEBROOK ROAD, WADHURST, TN5 6PF

Description: to erect a timber clad garden studio. Amended plans received date stamped 04/01/2022.

**COMMENT: No objection**

### 6.2.4 [WD/2021/3009/F](#)

Consultee expiry date: 3<sup>rd</sup> February 2022

Location: KEEPERS LODGE, MONKS LANE, WADHURST, COUSLEY WOOD, TN5 6EW

Description: proposed single storey extensions and internal alterations

**COMMENT: Objection.** Whilst the parish council considers this an improvement on the now withdrawn application for this site (WD/2021/1119/F), the design does not preserve or enhance the High Weald AONB. The extensive glazing proposed on the southern elevation spoils the character of this unique building in a prominent location, and would be detrimental to the dark skies. Whilst the High Weald AONB is not a dark sky reserve, recordings of the unusually dark skies over the High Weald AONB noted on the High Weald AONB Unit's website are equivalent to a silver tier dark sky reserve. These are some of the darkest skies in the South East. The dark skies are an intrinsic part of the landscape and scenic beauty of the High Weald AONB and increased light spillage caused by the additional extensive glazing would fail to preserve or enhance the High Weald AONB. Interest in 'dark sky tourism' is a growing trend that local tourism businesses could target and benefit from.

## 7. [WD/2021/1285/MAO](#)

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.

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### 8. [WD/2021/0559/MAJ](#)

*Location: WEALD HALL RESIDENTIAL HOME, MAYFIELD LANE, WADHURST, TN5 6HX.*

*Description: Conversion of care home to form 8 x flats together with the construction of 13 x new dwellings associated works following the demolition of existing lodge.*

**To consider notices of decisions received:**

**Certificate of Lawful Development:** None

**Raise no Objections:** None

**Prior Approval Required:** None

**Not Issued:** None

**Issued:**

### **Application No** [WD/2021/2794/LB](#)

*Description: replacement of 4 existing casement windows and a rear back door window.*

*Location: GORDON HOUSE, HIGH STREET, WADHURST, TN5 6AA*

*Decision: Approved*

### **Application No.** [WD/2021/0730/LB](#)

*Description: to supply and fit 1 x timber framed single glazed casement window to the second floor bedroom.*

*Location: 4 GLOUCESTER COTTAGES, SOUTH VIEW ROAD, SPARROWS GREEN, WADHURST, TN5 6TG*

*Decision: Approved*

### **Application No** [WD/2021/0729/F](#)

*Description: to supply and fit 1 x timber framed single glazed casement window to the second floor bedroom.*

*Location: 4 GLOUCESTER COTTAGES, SOUTH VIEW ROAD, SPARROWS GREEN, WADHURST, TN5 6TG*

*Decision: Approved*

### **Application No.** [WD/2021/2019/FR](#)

*Description: retrospective application for the re-modelling and extension of existing bungalow.*

*Location: BEECHCROFT, FAIRGLEN ROAD, WADHURST, TN5 6JL*

*Decision: Approved*

### **Application No.** [WD/2021/2802/FA](#)

*Description: Application No. WD/2021/2802/FA variation of condition 3 attached to WD/2013/0910/f (change of use of agricultural barn (unit 1) from b8 to b1 use) to allow for operating hours to be extended)*

*Location: LOWER COUSLEY WOOD FARM, UNIT 1, COUSLEY WOOD ROAD, WADHURST, TN5 6HF*

*Decision: Approved*

### **Application No.** [WD/2021/2167/F](#)

*Description: To replace existing windows with outward opening patio doors*

*Location: 2 ANGLE PLACE, COCKMOUNT LANE, WADHURST, TN5 6SJ*

*Decision: Approved*

**Refusals:** None

**Withdrawn:** None

**Appeals:** None

**Enforcement Notice:** None

**Breach of Conditions Notice: None**

**9. Planning Control & High Street Planning Enforcement**

**10. To discuss Tree Preservation Orders**

11. Please see [here](#) the update on TPO **WD/2021/1285/MAO**, also circulated via email alongside agenda – **the parish council notes the remarks from the Wealden District Council’s Tree & Landscape officer that “making pre-emptive TPOs without strong justification can sometimes have the reverse effect to that intended...” WDC also note that “the majority of trees are not actually within the application area and are further afield, widely distributed across the adjacent landscape...and in the absence of compelling evidence to suggest that inappropriate or damaging works are likely, it is not considered expedient at the present time to make an immediate TPO.” A TPO is an order made by a local planning authority in England to protect specific trees, groups of trees or woodlands in the interests of amenity, and there is not requirement for a tree to be at risk due to a planning application in order to be subject to a TPO. The trees on which the request for TPOs was made provide significant amenity in a beautiful part of the High Weald AONB. The site is an early post medieval field with extensive views to open countryside to the south of the site. The 2014 Landscape Character Assessment classified this landscape as being in a very highly sensitive location. It positively contributes to the natural beauty of the High Weald AONB, particularly to the rural character of the location. The parish council request WDC to further consider this request for TPOs taking into account that there is no requirement for compelling evidence to suggest that inappropriate or damaging works are likely. Action – Deputy Clerk to contact WDC to this effect.**

**12. Conservation areas**

**13. Community Infrastructure Levy**

**14. Policy/Correspondence/Consultations**

**14.1 Policy for Wadhurst Planning Protocol – Cllr C Moore – Action – Deputy Clerk to defer this item to the next meeting of planning committee.**

**14.2 Address/discuss Bewl water development- please see parishioner letter that has been sent in with objection to the Bewl Water application, see agenda item 6.2.1, to view letter please click [here](#). Also circulated to members. A number of Members were unable to open the link, or locate the previously circulated email during the planning committee meeting. Action – Deputy Clerk to invite Bewl Events and Water Park Ltd to a meeting with planning committee to discuss their development plans for Bewl Water. WDC Cllrs Standley and Howell also to be invited.**

**14.2.1 Address/discuss the previous email from a concerned parishioner about the ongoing and proposed developments at Bewl Water. Click [here](#) to view the communication – trainee clerk has recirculated this alongside the agenda. **Noted****

**15 Urgent Issues – none**

**Meeting ended: 10.30hrs**

