

WADHURST PARISH COUNCIL

Minutes of a meeting of the Planning Committee held at Carillion Cottage, High Street, Wadhurst on 18th June 2022 at 9.30am.

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

Meeting commenced at 09:38 hrs. Cllr P Moore arrived at 09:40

AGENDA

1. To receive apologies for absence - **apologies received from Cllr Anderson**
2. To receive declarations of interest and updates to members' register of interests – **no declarations or updates**
3. To approve the minutes of the meeting of 21st May 2022 - **approved**
4. To discuss matters arising from the minutes of the meeting of 21st May 2022 – **no matters arising**
5. Public forum – time limit 15 minute – **Five members of the public in attendance. Four members of the public spoke against application WD/2022/0535/MAO**
6. **Licence and planning applications**

6.1 Licencing: None

6.2 Planning:

6.2.1 [WD/2022/0535/MAO](#)

Date of notification: 6th June 2022

Consultee expiry date: 27th June 2022

Location: LAND TO THE NORTH OF MARLING HOUSE, STATION ROAD, WADHURST, TN5 6RT

Description: Outline planning application (with all matters except access reserved) for residential development of 29 dwellings

COMMENT: **Strongly Object**

WD/2022/0535/MAO

Location: **LAND TO THE NORTH OF MARLING HOUSE, STATION ROAD, WADHURST, TN5 6RT**

Description: **Outline planning application for residential development of 29 dwellings.**

COMMENT – STRONGLY OBJECT on the following grounds:

The High Weald AONB management plan 2019-2024 states as follows:

“the High Weald is an 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”.

The plan goes on to state that the beauty of the High Weald is under threat from inappropriate development, decline in traditional land management and loss of biodiversity. This planning application is one such threat; to the landscape, the biodiversity and the dark skies. This harm to the High Weald AONB is sufficient to refuse planning permission.

This application replaces a previous application for 35 new dwellings (WD/2020/2365/MAO) that was withdrawn. The revised application includes the removal of approx. 10 metres of hedgerow to create an access path as well as removal of 7 trees. The High Weald AONB designation is largely due to it being one of the best surviving mediaeval landscapes in Northern Europe, hence the loss of the mediaeval field system (of which the hedgerow is a key component) should be strongly resisted

This application should be robustly refused.

Detailed reasons for objection are as follows:

(1) The site IS a major development

The Applicant is trying to avoid having to offer a higher burden of proof to justify development. The NPPF, July 2021, is very clear that: *'Planning permission should be refused **for major development** other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest'*. [emphasis added]

The NPPF defines a 'major' development as follows: For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. (page 68 of the July 2021 NPPF). The site area in this application is 1.55 hectares and involves 29 new dwellings. On each criterion this constitutes a major development.

This Application should therefore be assessed as a major development against all requirements that go with them (such as provision for affordable housing and drainage requirements).

(2) The site lies outside the Wadhurst Development Boundary (DB)

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. It is non-contiguous with the development boundary in an open country-side location, on the plateau of a ridge.

As stated by the applicant, the site is the high ground locally. It is part of the historic farmstead of Marle Place, categorised in the 'Historic Farmsteads & Landscape Character in the High Weald AONB' as a 19th century farmstead. It is formed of garden space and an irregular shaped intact medieval field (1066-1499AD), which retains its historic field boundaries. However, the Applicant claims – contrary to the considered judgement of the AONB Unit - in paragraph 1.2 of the Planning Statement that *'The heritage assessment confirmed that, contrary to the advice of the AONB Management Board, the site was not a medieval field pattern, but a post-medieval field pattern'*. Nevertheless, the proposal would fail to protect the rural dispersed historic settlement pattern in Wadhurst, contrary to the High Weald AONB Management Plan objectives FH2, S2, and the High Weald Housing Design Guide.

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The site lies within the landscape setting area (LSA) 6 as identified in the Wealden Landscape & Settlement Character Assessment Supplementary Report (2016). This assessment evaluated LSA 6 as having a very low landscape capacity for accommodating development because it has a Very High Landscape Value; because “the landscape’s distinctive sloping form and coherent pattern of irregular-shaped ancient pastoral fields are sensitive landscape features contributing to the area’s Very High Landscape Sensitivity.”

LSA6:

CRITERIA	ASSESSMENT
Distinctiveness	Unique/rare
Continuity	ancient
Strength of place	Very strong
landform	apparent
Tree cover	intermittent
visibility	moderate
Landscape sensitivity	high
Landscape value	high
Landscape capacity	Very low

There are far-reaching views from, and therefore into, the site, particularly to the north and west, and including the North Downs. The annual firework display in Tunbridge Wells’ Dunorlan Park can be clearly seen from the site. The chimneys of Marling House, and the roof of the close by Wadhurst Manor, are clearly visible from Tapsells Lane to the south. It follows that the development would also be visible from this public right of way. This was an omission in the LEAS and the 2017 WDC Settlement Character Assessment Supplementary Report (SCAR).

The SCAR identifies four landscape qualities/features on the site to be safeguarded. According to the indicative site plan, none have been safeguarded. It is noted that this is an application for outline planning permission, and the proposed site plan layout is indicative only, but it would appear that landscape quality/features 1, 2 and 3 would be destroyed by the access road which this application seeks to determine.

The three identified landscape quality/features to be safeguarded which would be destroyed by the access road are as follows:

- the rural character of Station Road (see “Access design and accessibility”);
- the field boundaries and their vegetation (see “Trees, hedges and ecology”);
- existing trees (see “Trees, hedges and ecology”).

The fourth landscape quality/feature to be safeguarded is discussed under “Layout of Site and Design of Dwellings”.

(3) Case law does NOT support building outside the DB and on AONB

The Application cites case law examples in an attempt to encourage the Council to ignore the protections afforded by the NPPF 2021, especially with regard to AONB and development boundaries.

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In particular, it follows the often-repeated line that WDC is unable to demonstrate a five-year housing land supply and then argues that the NPPF should therefore grant planning permission (para 4.3). To put this in context, it is worth observing that if Wealden were able to count the approx. 7000 approvals for dwellings that have yet to be developed as part of its housing land supply, then the lack of a five-year housing land supply would be solved at a stroke.

The Applicant concludes in paragraph 18.24 that: *'The applicant therefore submits the scheme represents an acceptable form of development within the AONB, given the pressing need to deliver more houses and the guidance on the **tilted balance**'*. [our emphasis]

However, 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 (Monkhill vs Secretary of State) 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".

(4) There is no realistic prospect of delivering the proposed dwellings

The case law is clear. But, even so, in practice there is little prospect of this project being delivered. The overriding argument in favour of development presented by the Developer is that WDC lacks a 5 year land supply. Given that the 5 year land supply is calculated based on *delivery* of sites, rather than *permissions granted*, the achievability of this proposal in this regard is a key consideration, as it was when this land was put forward to the WDC SHELAA and considered unsuitable. *Without the land, which belongs to 1 Marling House, the proposed dwellings are undeliverable.* Granting planning permission for this site would make no effective difference to the 5 year land supply because there is no realistic prospect of delivering the proposed dwellings.

(5) The site is highly car dependent and thus not sustainable

a) Car dependency

Manual for Streets identifies that up to 800m is the walking distances of residential areas which residents may access comfortably on foot. In table 5.3 of the Transport Statement and Travel Plan Framework, the Applicant identifies the distances to local amenities; for example, the primary school and Co-op are estimated at 900 metres. We identify it as 1.1km. In either case, there are insufficient amenities within acceptable walking distance of the site to make the site sustainable.

Table 5.3 in the Transport Statement

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Table 5.3 Walking Distances to Local Amenities

Destination	Walking Distance (metres)	Walk Time (minutes)	Location
Wadhurst Service Station	450	5	1
Mayfield Lane Bus Stop	500	6	2
Halos Unisex Salon	500	6	3
McColls Convenience Store	550	7	4
Wadhurst Station	750	9	5
Wadhurst CE primary School	900	11	6
Wadhurst Cooperative	900	11	7
Wadhurst Green	900	11	8
Ben Greig Motors	950	12	9
Culverden Vets	1100	13	10
Wadhurst Pet Supplies	1100	13	11
Simply Indian Restaurant	1200	16	12
Uplands Community College	1600	20	13

Source: Transport statement: WD-2022-0535-MAO_Statements-Reports_v4_10107 - Marling House Station Road Wadhurst_TS.pdf

To test for robustness, we have checked both the Applicant’s measure of distances (using Google Maps) and estimated the implied speeds used for walkers and cyclists. all estimates are found wanting. The following is apparent:

- The Applicant’s estimates of distances are too optimistic in nearly all cases.
- The average speed in metres/second for walking and cycling are not consistent in the Applicant’s calculations. This significantly undermines the credibility of the exercise.
- We have averaged out the Applicant’s estimates for walking and cycling. For walking they are assuming an average walking speed of approx. 1.35 m/sec, equivalent to 4.9 km/hr (a rapid walking pace), though estimates are not consistent.
- For cyclists, the Applicant assumes an average of approx. 2.5 m/sec but their estimates are extremely inconsistent.
- We have measured the distance from the tree on the cricket ground at Marling House to several sites in the village in metres. We present our estimates.

As mentioned above, one distance cited in this study shown in table 5.3 is to the Wadhurst C of E primary school, where pedestrians would apparently cover 900m in just 11 minutes, braving the traffic at rush hour . The reality is that this would take rather longer than stated in table 5.3.

Indeed, it is fair to assume that this distance to the primary school would be covered by an accompanied child of primary school age. It is thus misleading to suggest that this distance could be covered in just 11 minutes, at a hefty walking pace of about 4.9km/hr. So, using a more realistic average walking speed of 4km/hr, as suggested by the Ramblers, we have restated the walking times. We have amended the distances and recalculated walking times, with walking journeys in excess of ten minutes highlighted in red.

Walking times from the site to services and amenities

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From Marling House to:	Distance, metres	Walking time, mins	Cycling time, mins
Service station	500	8	2
Bus stop	550	8	2
Station	920	14	4
Primary school	1010	15	4
Coop	1080	16	5
Simply Indian	1380	21	6
Jempsons	1430	21	6
Uplands	1660	25	7

Sources: Google maps, Ramblers, Road Bike

<https://www.ramblers.org.uk/advice/navigation/calculating-walking-pace.aspx>

<https://roadbikebasics.com/average-speed-on-road-bike/>

Note: distance > 2km or 10 minutes walking and cycling time highlighted

It can be seen that walking times increase in all cases. On these calculations, the only facilities within 10 minutes are the service station and the bus stop. It would take 15 minutes to make the journey to the Primary School.

This shows that the site is not a sustainable form of development and would in practice be very car dependent.

Indeed, the proposed provision of 60 car parking spaces (inc 10 visitor spaces) is further evidence of car reliance at this site. The Applicant seeks to minimise the reliance on cars by suggesting that *'throughout the day, there would be some 65 two-way vehicular movements, again a comparative reduction. GTA Civils confirm this would have no "material impact on the operation or safety of the local highway network"'*. Vehicle movements are likely to be higher. Using the assumptions used in Table 7.2 of the Transport Statement and adding in one trip by visitors each day this would suggest that there would be approx. 152 two-way trips by car (132 plus 20). Given there were an average of 1726 cars travelling East past Marling House and 1961 travelling West (see Marling House traffic Survey Report below), then this implies an additional 4% of cars to turn into a busy road (152/(1726+1961)).

Table 7.2 Privately Owned Dwellings – Trips (29 units)

Mode	AM Peak (8:00 - 9:00)			PM Peak (17:00 - 18:00)			Daily (7:00 - 19:00)		
	In	Out	2-Way	In	Out	2-Way	In	Out	2-Way
Vehicles	5	10	15	10	5	15	65	68	132
Walk	2	7	9	2	1	4	21	22	43
Train/Bus	0	1	1	1	1	1	4	3	7
Cycle	0	1	1	1	1	2	3	3	7
Total People	8	24	32	20	9	29	115	122	237

b) Bus services

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Bus services are limited and infrequent. Bus connections to Tunbridge Wells operate approx. one every 60 minutes, either via Ticehurst or via Lamberhurst. Table 5.1 of the Transport Statement shows that bus connectivity is limited and infrequent, demonstrating that this site is car dependent.

Table 5.1 Bus Services from Mayfield Lane

Services	Destinations Served	Weekday Frequency	Saturday Frequency	Sunday Frequency
254	Hawkhurst - Ticehurst - Wadhurst - Tunbridge Wells	Approximately every 120 minutes	Approximately every 120 minutes	-
256	Wadhurst – Lamberhurst – Frant – Tunbridge Wells	5 services daily	-	-
354	Ticehurst – Wadhurst	1 service in AM	-	-
U19	Wadhurst – Frant – Hawkenbury – Tunbridge Wells – Eridge Green	1 service in AM	-	-

(6) 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”*.

WDC policy EN6 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.”

The proposal does not conserve or enhance the natural beauty and character of the landscape; rather, it would cause considerable harm both in terms of landscape value and, given it is the high ground locally on the plateau of a ridge, dark skies. The 2019 SHELAA conclude that development on this site would be out of keeping with and detrimental to the rural character and appearance of the landscape which forms part of the setting of the town. The SHELAA did not assess all sites put forward in Wadhurst as unsuitable, despite the fact that Wadhurst is wholly AONB. Given the particular characteristics of this site, it was deemed to be unsuitable for development. It remains so.

(7) Access design & accessibility are inadequate and dangerous

The 2019 WDC SHELAA states that the site as submitted cannot be provided with a suitable vehicular access to serve the development and concluded that it was not suitable. Nothing has changed.

The proposed access to the site is from Station Road. As referred to above, the SCAR identifies Station Road as a known historical routeway which contributes to both the character of the local area and the wider High

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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 both in terms of widening the access and also in order to mitigate against the impact of lorries entering the site grinding out the slope. Deep visibility splays would be required at the proposed entrance because it is between two bends in the road. The existing banks would be destroyed, and a retaining wall would be required.

Road safety has been further compromised recently with the removal of the 40mph speed limit roundel and the impracticality of relying on cutting back hedges for visibility.

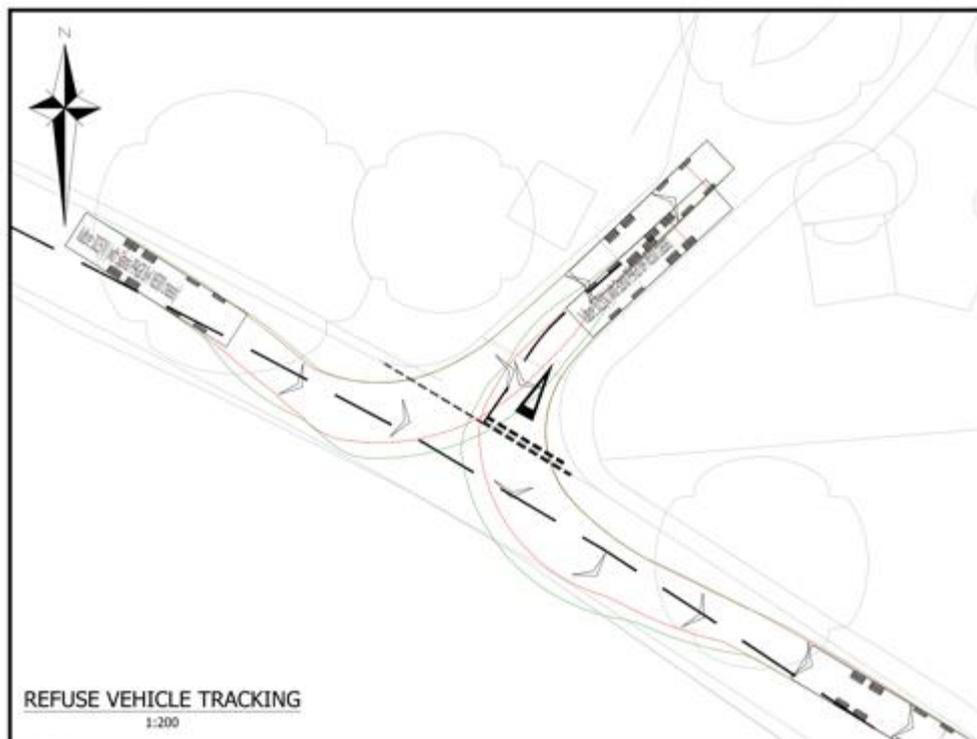
The proposed access would cause significant damage to the character of this historical, sunken routeway at the settlement edge. Visual amenity is important along this approach road to the village, with its existing wooded character, which this proposal would significantly harm. Given the close proximity to the listed buildings at Savages Pit, this harm is even more significant.

The parish council notes the objections of the owner/occupier of 1 Marling House; in particular, that construction of the access as proposed would require part of his land which he has strongly indicated that he is not prepared to sell or donate. He has provided land registry drawings as evidence to support his position regarding ownership.

The narrowness of the drive access would make it very dangerous for lorries and refuse vehicles to turn into the development. This is shown by the Applicant's diagram, which suggests that refuse vehicles would have to move in to the other lane of the main road to make the turn in to the development (see Exhibit). Station Road is a busy 'B' road and this would create a significant danger to other road users.

On safety grounds alone, this application should be refused. As the Applicant states in paragraph 5.10 of the Planning Statement: *Paragraph 111 [of the NPPF] states that, “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety”*. We recommend that WDC pay very close attention to these road safety considerations.

Refuse vehicle tracking



Source: Application document: WD-2022-0535-MAO_Plans_10107_101_P9_Access Plan.pdf

The Parish Council notes that the speed survey was carried out during school half term in February 2020, just before the national lockdown was imposed due to Covid. The results of this survey simply cannot be relied upon in determining traffic speed outside of the holiday period. Station Road is one of the key entrances to the village; traffic leaving the village development boundary to travel to and from the rail station or the centre of Tunbridge Wells does so on Station Road. Speeding on Station Road is common, as identified by Community Speedwatch, with this being one of the highways identified by them for speed monitoring.

WPC estimates of traffic speeds were carried out in October 2021 (see exhibit). While the speeds were broadly comparable to those of the Applicant’s transport consultants, there are three observations that cast doubt on road safety:

- While many cars follow the 40mph speed limit, the exceptions to the rule are the dangers.
- The weighted average speed of the 85th percentile travelling westbound is 41.4mph. Put differently, over the course of the week, at least 15% of all drivers travelling downhill towards the station and approaching the blind bend by Marling House were breaking the 40mph speed limit.
- Given the width of the road, its limited visibility and the established need for refuse trucks to swing out into the other lane of the road, this adds up a significant danger to road safety.

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Marling House Traffic Survey Report 14/10/21-20/10/21

Site Location Number: WPC 312

Site Location : Station Road B2099, Wadhurst, TN5 6RU

			WPC Survey 10/2021					
			East Bound (Dir 1)			West Bound (Dir 2)		
			Total	Mean	85%ile	Total	Mean	85%ile
			Vehicles	Average	Speed	Vehicles	Average	Speed
<i>Day 1</i>	<i>Fri</i>	15/10/2021	2150	34	39	2380	36	42
<i>Day 2</i>	<i>Sat</i>	16/10/2021	1640	35	39	1801	37	43
<i>Day 3</i>	<i>Sun</i>	17/10/2021	1090	35	40	1259	37	43
<i>Day 4</i>	<i>Mon</i>	18/10/2021	1742	34	39	2043	36	41
<i>Day 5</i>	<i>Tues</i>	19/10/2021	1945	35	39	2155	36	40
<i>Day 6</i>	<i>Wed</i>	20/10/2021	1790	33	38	2128	36	40
Week Total			10357			11766		
Average p.d.			1726			1961		
Wtd ave				34.3	38.9		36.3	41.4

(8) Trees, hedges and ecology concerns

The proposed site comprises the field and garden, with an historic boundary dividing the two. LEAS identifies the boundaries of the field as historic, and contributing to the unique ancient field patterns characteristic of the High Weald. For this reason, LEAS notes that the separation of the field and garden should be maintained. The tree removal plan shows a 10m section of this historic boundary, species rich with a range of native species, removed for the access road, thus removing the separation of the field and garden and destroying the historic boundary. The LEAS identifies this as one of the most ecologically valuable parts of the site, and it should be protected. Such ecological and hedge destruction is against Wealden local plan policies

The trees around the site contribute to green infrastructure by providing existing well-connected vegetation which enable species movements through and beyond the site to key landscape features such as the Ancient Woodland whilst reinforcing historic landscape character.

The LEAS identified that there is ancient and semi-natural woodland a short distance from the site as follows:

Pump House Shaw	375m east
Lucks Wood	500m north
Three Oaks Lane Shaw	150m north
Beech Wood	400m west
Homefield Farm Shaw	450m west
Four Acre Wood	800m north west

a) Ecology report

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As well as wood pasture and parkland at Wadhurst Castle, 880m to the south east.

LEAS also identifies the following protected and notable species within 1km:

Protected Species Inventory	
Anguis fragilis	Slow-worm
Eptesicus serotinus	Serotine bat
Natrix natrux	Grass snake
Nyctalus noctula	Noctule Bat
Pipistrellus pipistrellus	Common pipistrelle bat
Pipistrellus sp.	Pipistrelle bat species
Plecotus auritus	Brown long-eared bat
Plecotus sp.	Long-eared bat species
Chiroptera	Unidentified bat species
Sussex BAP Species	
Erinaceus europaeus	West European Hedgehog
Notable Bird Inventory	
Ardea cinerea	Grey Heron
Hirundo rustica	Swallow
Motacilla flava	Yellow Wagtail

The assessment of potential for protected and notable species is as follows:

Great crested newts	Have been sighted in the pond to the west of the site. Habitats within the site, including hedges and tall grassland, represent suitable terrestrial habitat for great crested newts
Reptiles	Some potential in grassland field, especially the edges
Breeding birds	Especially hedges, trees and shrubs
Bats	Trees and mature trees in particular, with features such as cracks and cavities, have potential to be used as roosts. Given the habitats and features present, activity including foraging and commuting, is likely throughout, but especially along hedges and around trees.
Dormice	Some potential in hedges and among other woody boundary vegetation, especially on the western boundary, due to habitat structure and connectivity with hedges and woodland beyond the site.

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Badgers	Potential for setts within the hedgerows and other boundary vegetation and adjoining plantation, but with or without setts badgers may also use any or the entire site for foraging.
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LEAS recommends the following surveys:

- Amphibians including great crested newt
- Reptiles
- Bats
- Dormice
- Badgers

The Applicant has provided an Ecological Impact Assessment. A preliminary bat roost assessment was undertaken on 28 August 2019, nearly three years before this revised application was launched. It can only be concluded that this document is out of date.

It also lacks credibility regarding its assessment of dormouse activity:

Para 5.2.7 states: 'Hedgerows and woodland on site provide habitat for dormice in addition to records of Dormice within 2km. A dormouse survey should be undertaken on site to provide accurate information for formulation of a mitigation strategy should any woodland or hedgerow be impacted by proposals'.

Paragraph 20.4 of the Planning Statement states that: *'A Dormouse Nest and Nut Search was undertaken and this located no presence'*. As mentioned in the (redacted) Provisional Ecology Report, *'a dormouse nest and nut search were recommended and subsequently undertaken between January and February 2021'*. However, dormice tend to hibernate for six months, from about October to April, so it should not be surprising that the Nest and Nut search located no presence of dormice.

The Ecological Impact Assessment failed to mention badgers. Indeed, a word search of the PDF showed that no results were found in the document at all. This is a major oversight and undermines the credibility of the ecology report. Badgers *have* been spotted very close to the site (see image below in April 2021). More recently, there has been a recent sighting of a large badger in the area of the site on 8 June 2022.



An out of date report, using a faulty survey, does not validate the application on ecology grounds.

b) Tree report

We note that the Arboricultural Impact Assessment effectively breaks no new ground, since it lists the same trees for removal as before, with one (T04) being retained to face the prospect of No Dig construction.

The Parish Council's Tree Warden, Ian Noel, FdSc, ND, provided the following report to the Parish Council at the time of the original application, with most observations and concerns still being valid:

"I understand that a TPO order has been made on several trees which are on the hedge line between Marlin House and Pluck House. This has not been mentioned in the tree report. As such the author of the report did not take into account that the District Council feels that the TPO'd trees are important. The Report needs to reflect this TPO.

Paragraph 1.3.2 the proposed development would be accessed off Station Road to the South of existing private drive.

I have noted that this private drive has had mature trees felled over the last couple of years. As Station Road is one of the main access roads into Wadhurst visual amenity is important along this approach road to the village. I would thus ideally like to see some replacement trees replanted along the access route in to the site and along the main Station Road to maintain tree cover.

The owner of Pluck House also says that this is his land, but that the trees were felled without permission from him.

Tree report, Para 1. 3.3 states that "where possible, strategic planting would reinforce existing retained trees and shrubs to the boundaries. "

I do not like the word "where possible" as this gives developers a "get out clause" and. better wording would be that "strategic new planting will take place to reinforce ..."

Para 3.1.2 There are inconsistencies in the Tree schedule and in the written Tree Report. Take T04 for example "which has extensive Hollowing on the basal area" and it is unlikely to be a B category tree for this reason. This shows inconsistency in the report.

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T38 Lime I am personally not sure that this Lime tree needs to be removed, "due to the proximity of the proposed access drive."

This Lime tree is more important due to the loss of other trees around it.

BS5837:2012 says "4.5.6 Trees of generally high quality and/or value which have a defect or defects that do not reduce their retention span below the suggested 40-year threshold, should be placed in category A, i.e., they should not be downgraded as a result of minor imperfections." I would argue due to the loss of other trees that the Lime now has greater value.

The tree surveyor goes on to say about the T38, the Lime, (in the Tree Schedule) that there are recently felled specimens nearby. This point is very important: as there has been tree loss before the planning application was made.

BS5837:2012; says that regarding the "extent, basal ground levels and height of shrub masses, hedges, hedgerows and stumps"; that; "Relevant details of shrub masses, hedges, hedgerows and stumps are expected to have been recorded during the topographical survey (see 4.2), but should be checked by the arboriculturist for inclusion in the tree survey." recently felled specimens should be marked as stumps on the plan. This has not happened.

T39, a Holly, another tree to be felled in the entrance area. Holly seldom fails structurally. It should be protected as a long lived tree with considerable wildlife value as well as being an evergreen.

T41 a Sweet Chestnut, this tree is important because it's on the main route into Wadhurst. The tree should be protected by a TPO, and a replacement tree planted if it needs to be felled.

3.2.2 The Copper Beech, T09, is a lovely specimen. This tree will be extremely sensitive to changes in water table and soil height. The removal of T 08 a large Monterey Cypress which is evergreen currently removes substantial amounts of water from the soil; this ecosystem service will be lost, which could have knock on effects such as increasing the ground water around the Copper Beech, T09 . A study in Canada showed that conifer trees can stop up to 70% of rainfall from reaching the ground. I would strongly resist any incursion by drive or roadway into the root protection area of a mature specimen Beech tree. The Beech tree at this age is very susceptible to any changes. This species of tree has a surface rooting system Construction work often exerts pressures on existing trees, as do changes in their immediate environment following the construction. BS5837:2012 states that;

"5.1.1 The constraints imposed by trees, both above and below ground (see Note

to 5.2.1) should inform the site layout design, although it is recognized that the competing needs of development mean that trees are only one factor requiring consideration. **Certain trees are of such importance and sensitivity as to be major constraints on development** or to justify its substantial modification."

It does go on to say; "5.2.4 Particular care is needed regarding the retention of large, mature, over-mature or veteran trees which become enclosed within the new development (see 4.5.11). Where such trees are retained, adequate space should be allowed for their long-term physical retention and future maintenance.

NOTE The presence of large species trees is increasingly being seen as advantageous, since it contributes to climate change resilience, amongst other benefits. Achieving successful integration of large species trees requires careful consideration at the conceptual and design stages."

Therefore, I would like to see the Beech tree, T09, protected.

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Para 3.3.3 It is therefore considered the dominant tree cover to the boundaries could be successfully retained within the proposed development scheme and should continue to thrive.

Use of could and should: should be replaced with "will be" and "must"

Existing Tree Schedule.

There are 3 trees which are classed as veterans.

(BS 5837 states that) 4.5.11 The tree survey might identify the presence of veteran trees on the site. The implications of their presence on the use of the surrounding land should be assessed at the earliest possible stage of the design process. Where such trees are to be retained, particular care should be taken in the design to accommodate them in a setting that aids their long-term retention.

NOTE Whilst veteran trees typically provide a range of niche habitats, they are especially valuable if ancient, due to their scarcity and high habitat values for associated species of fungi, lichens and saproxylic invertebrates, including some which are rare or endangered and occur only where such trees have been continuously present for centuries. These trees will therefore almost always be included in the A3 category.

They are only shown as A1 and A2 trees in the Tree Schedule.

As these trees are veteran trees, there is likely to be pressure to carry out tree works in the future from the house holders. If there is no TPO, on the trees, nor any legally binding agreement to safeguard these trees, then any proposed tree works could lead to further decline in the veteran trees' health. By placing a Biodiversity net gain condition this would allow for a veteran tree management plan to be drawn up as part of the Biodiversity net gain.

The term woodland edge is used for WE 27 with the size of trees and the age of the trees detailed in the schedule. However it would be better still if a 15m buffer were to be imposed as a condition as is the case with Ancient Woodland. This would help to protect the Veteran Trees.

There are other trees which have a large stem diameter such as T23 and the notes/comments indicate that this tree could be classed as veteran.

Other points

Ecology:

There is a pond behind the old people's home*. EIA says 5.3.1 No impacts upon GCN are predicted due to the lack of suitable surrounding waterbodies on site. That is misleading.

Two points; the pond doesn't need to be on site to be important in terms of the development. If it is near and a breeding pond for GCN, the appropriate surveys should be undertaken before a decision is reached. Toads, Grass Snakes and newts are thought to be present (they have been sighted).

Visual Appraisal has been undertaken, but it is not a full LVIA as one would expect for a development in the High Weald, AONB in an elevated position with long distance views to the North Downs.

There is no ZTV map, included in the visual appraisal. Were the viewpoints agreed with Wealden's Landscape officer before the appraisal was undertaken? These two points are part of the methodology which is required for a full LVIA. For a development of this size in the High Weald AONB, I would expect to see a full LVIA. There are no viewpoints from Old Station Road. There is no discussion of landscape effects, such as lighting in the AONB, nor views from the wider AONB. We know that there are likely to be more views from local roads, but these have not been included.

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Failed to explain how they have addressed the objectives of The High Weald AONB Management Plan 2019-2024 using the Assessment Template. This should be required by Wealden District Council. It is contained within the back of the Legislation and Planning Policy in the High Weald AONB. Produced by: High Weald AONB Unit Revised February 2019.” This includes the views from the wider AONB landscape, which is a protected landscape. It also includes impact on geological features, such as sandstone outcrops, and old banks. The removal of such features means a loss of landscape character as a result of the development.

*The old people’s home referred to is Wadhurst Manor, to the west of the site.

The High Weald AONB Unit submitted an objection to the forerunner to this application, and comments that the submitted ‘Visual Assessment’ is an inadequate way to assess impact on the AONB. It goes on:

“the value of the landscape is not just or even primarily about views.....A full LVIA according to Landscape Institute guidelines should be submitted which takes proper account of landscape characteristics including its historic/cultural and perceptual value.” They are referring to a wider appraisal being required; see above point regarding geological features.

(9) Flood and Run-off Risk

The parish council also notes that the site level is raised compared to the neighbouring Puck Hill, and that the residents at Puck Hill have raised concerns to the parish council regarding the fact that their land currently floods due to run-off from the raised land at Marling House, and that this will be exacerbated by development on the site.

Residents have also raised concerns about run-off from the site causing additional surface water run-off onto the new access road and the main Station Road. The steepness of the access road being hazardous in icy conditions and the combination of a “dip” in Station Road at that point plus the blind bend making surface water on the main road more likely to settle whilst being more dangerous due to lack of visibility and the road curvature.

(10) Sewage – adding to an overloaded system

The local sewage network is already ageing and can be blocked. This development will not solve the problem, but most certainly will add to it. We expect Southern Water to provide a clear statement to provide clarity and evidence that it has the additional capacity to manage the additional throughput from potentially 114 extra bowel movements each day. In the context of a 2019 Wadhurst population of over 5300, this would be an increase of at least 2%, and in practice a lot more as not all residents are on mains drainage. With a stretched system at over-full capacity, such an increase could prove to be the final straw.

(11) Cul-de-sac Development layout is contrary to historic settlement pattern

The development has a urban cul-de-sac layout and is therefore contrary to the historic settlement pattern in this part of the High Weald, and therefore contrary to objectives S2 and S3 of the High Weald AONB Management Plan.

Wealden District Council has stated unequivocally that a cul-de-sac layout is contrary to the historic settlement pattern in this part of the High Weald (see: ‘Notice of Decision’, 20th July 2020, on another application, WD/2019/2252/O).

The defining characteristic of a cul-de-sac is that the road or access is closed off at one end (see for example definitions by the Cambridge English Dictionary or the Collins Dictionary). The proposed development clearly includes a road closed off at one end. For example, the Site Layout shows a single access road from Station Road.

Marling House - Indicative site layout



Source: Application: WD-2022-0535-MAO_Plans_C1854 (08) 05 Indicative Site Plan P4.pdf

In DG2 on page 24 of the Planning Statement, the Applicant states that *'As a small development, there are no enclosed cul-de-sacs'*.

Yet the High Weald Housing Design Guide, November 2019, states that: *'Settlements in the High Weald are also typically highly permeable in layout, linking in to this routeway network, and criss-crossed by vehicles and pedestrians. To maintain this characteristic, it is important for new development to sit successfully as an integrated piece of the village that people can walk and travel through, rather than a separate "estate" that they travel into'*. [emphasis added].

The indicative site layout looks very much like a cul-de-sac. It cannot be described as an 'integrated piece of the village', and it is clearly a 'separate estate' that people 'travel into'. The application should be refused on these grounds alone.

(12) Layout of Site and Design of Dwellings

As identified above, the fourth landscape quality/feature of the site identified in the LEAS/SCAR to be safeguarded is the local vernacular building style. The Parish Council notes that this is an application for outline planning permission and therefore reserves full comment at this stage, but makes the following points about the indicative layout and design:

1. It is not in keeping with EN6 (see above);

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2. The design of the dwellings departs significantly from the High Weald AONB housing design guide. 11 of the proposed dwellings are detached buildings which take up most of the site area. They are of similar scale, massing, footprint and spacing, which is uncharacteristic of Wadhurst and presents an alien repetitious appearance. In addition, the terrace at the southern end of the site has front of plot parking which will present a poor first impression of the development;
3. The design of the dwellings has been cut and pasted from another development in Isfield (WD/2020/2058/MRM). Isfield is not in the High Weald AONB and is completely unlike Wadhurst. This identi-kit design clearly does not respect the local character and the vernacular building style in Wadhurst. For example, the use of slate as a roofing material is not a locally distinctive material;
4. The design of the dwellings departs significantly from the High Weald AONB housing design guide.

(13) Weight should be given to the emerging Neighbourhood Plan

The emerging Wadhurst Neighbourhood Plan (NP) reflects residents expressed concerns regarding loss of views, green spaces and development on ridge top locations. The emerging NP firmly endorses the High Weald Design Guide and contains a draft Design Code for Wadhurst.

6.2.2. [WD/859/CM](#) (additional papers circulated with agenda)

Date of notification: 31st May 2022

Consultee expiry date: 21st June 2022

Location: FAIRCROUCH DEPOT, HOUSEHOLD WASTE RECYCLING. FAIRCROUCH LANE, WADHURST TN5 6PT

Description: CONSULTATION ON A PLANNING APPLICATION - Use of site as a waste transfer station for construction and demolition waste and installation of two offices

COMMENT: The parish council objects to this planning application. We add to the comments that we have already submitted that the health, safety and welfare implications for the neighbouring Wadhurst Business Park, in particular the pre-dominantly outdoor workers of Faircrouch Garage, have not been adequately considered. We note that the Wadhurst Business Park abuts the development site. A noise impact assessment has been published which states that "Wadhurst Business Park comprise a single, two-storey block of six light industrial units....given the seemingly solid(brick) construction of the building, with the rear, window-less elevation presented to the site...the Business Park is not considered to be sufficiently noise-sensitive in the context of the proposed development for further consideration." This completely ignores the fact that much of the work undertaken by Faircrouch Garage takes place externally, or in covered bays open on one side.

There is no published assessment of the impact on air quality of crushing operations, and the associated impact on the health, safety and welfare of adjoining and close neighbours. The Health and Safety Executive state that this type of work creates high levels of dust; the dust may contain respirable crystalline silca; breathing this dust can cause serious lung diseases like silicosis, chronic obstructive pulmonary disease and lung cancer. We would also anticipate that the level of dust created by the proposed operations would have a detrimental impact on the business of Faircrouch Garage, given that their customers would not expect their vehicles returned covered in a film of dust.

The proposal would cause harm to the character of the area and does not preserve or enhance the High Weald AONB. One of the defining features of the High Weald AONB is its tranquility. This site is outside of the development boundary, and whilst it was previously in use as a domestic waste disposal site, the noise of proposed operations, size and nature of vehicles visiting the site with their associated noise and use of the local rural highway network, together with the environmental impact of crushing operations is significantly greater than with the previous use, and would be severely detrimental to the tranquility, landscape (due to the concrete crushing operations causing dust) and wildlife of the High Weald AONB. The noise impact assessment itself concludes that there would be noise that affects the acoustic character of the area.

We repeat our previous reason for objection regarding the suitability of Faircrouch Lane for the constant use by HGVs. We note the comments of ESCC Highway Authority that the proposed use is similar to its existing use (although it is not currently in use and has not been for a number of years); however, the previous use of the site was by those travelling in cars and small vans, and not HGVs. We also note the comments of ESCC Highway Authority that the proposal will not result in significant intensification. Given the much extended operating hours, we dispute this.

Action: Cllr C Moore to post details of this ESCC planning application on WPCs social media and website

6.2.3. [WD/2022/1193/FA](#)

Date of notification: 10th June 2022

Consultee expiry date: 1st July 2022

Location: WESTWOOD HOUSE, FAIRCROUCH LANE, WADHURST, TN5 6PR

Description: Variation of conditions 2 and 4 of WD/2021/1506/F (proposed amendments to existing outbuilding to include replacement roof, erection of internal staircase and alterations to fenestration) to allow for the roof to be replaced with clay tiles

COMMENT: No objection

7. [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. – **no further comment**

8.1 Traffic management plan for the Old Station Road development – **Action – Cllr Murphy to draft letter to Wealden District Council regarding the signage for construction vehicles at either end of Western Road, which are partially obstructing the footway.**

9.0 To discuss Tree Preservation Orders – **none**

10.0 Conservation areas – **no items**

11.0 CIL – **no update**

12.0 Policy/Correspondence/Consultations

- a. High Weald AONB Management Plan review – **Action – Cllr Murphy to draft and circulate response for agreement.**
- b. Land West of Styles Lane – **Steven Hiscocks of modlgroup provided a briefing regarding a proposed planning application for 18 new dwellings on land west of Styles Lane and south of High Street.**
- c. Feedback from WDC north parish cluster meeting 14.6.22 – **Cllr Murphy provided feedback from this meeting.**

10. Urgent Issues – none

11. Items for Noting:

To consider notices of decisions received:

Certificate of Lawful Development: *None*

Raise no Objections: *None*

Prior Approval Required: *None*

Not Issued: *None*

Issued: *None*

Approvals:

Application No: [WD/2022/0604/F](#)

Description: Erection of oak framed garage with annexe accommodation above
Location: WESTWOOD HOUSE, FAIRCROUCH LANE, WADHURST, TN5 6PR
Decision: Approved

Application No: [WD/2021/3116/FA](#)

Description. Minor material amendment to WD/2020/0805/f (conversion and extension of existing building into 3 x 1 bed flats and 3 x 2 bed flats with associated parking and amenity space) involving variation of condition 2 to enable alteration of the roof along with internal alterations in order to achieve roof space and efficiency, and associated external alterations.

Location: BALACLAVA INN, COUSLEY WOOD ROAD, WADHURST, TN5 6EE

Decision: Approved

Application No: [WD/2022/0529/F](#)

Description: The installation of 48no' high efficiency solar pv panels, mounted via a low-profile ground mounted array.

Location: KEEPERS COTTAGE, WADHURST ROAD, MARK CROSS, TN6 3PF

Decision: Approved

Application No: [WD/2022/0477/F](#)

Description: Remove Conservatory and replace with single storey extension; remove old garage and reinstate driveway; replacement garage

Location: 1 WHITE COTTAGES, MAYFIELD LANE, WADHURST, TN5 6JE

Decision: Approved

Application No: [WD/2021/3034/F](#)

Description: Demolition of existing garage and garden structures/outbuildings including swimming pool and tennis court. erection of new part single part two storey dwelling with detached garage, landscaping, pool and pool pavilion and associated works

Location: LAND AT PRIMMERS, PRIMMERS GREEN, WADHURST, TN5 6DU

Decision: Approved

Refusals: None

Appeals:

Application No: [APP/C1435/W/21/3275207](#)

Description: The appeal is allowed, and planning permission is granted for conversion and minor alteration of an agricultural building to create a residential dwelling house to include a change of use of land to residential

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at Combe Manor Farm, Coombe Lane, Wadhurst TN5 6NU in accordance with the terms of the application, Ref WD/2020/2149/F, dated 21 October 2020, subject to the conditions in the attached schedule
Location: COMBE MANOR FARM, COOMBE LANE, WADHURST TN5 6NU
Decision: Granted

Application No: APP/C1435/W/22/3294192 – no link letter circulated

Description: Change of use and extension of fishing lodge to form 4 x 1 bed tourist units with associated bin and bike store.

Location: FISHING LODGE, BEWL WATER, BEWLBRIDGE LANE, LAMBERHURST, TN3 8JH

Decision: under appeal

Enforcement Notice: None

Breach of Conditions Notice: None

14. Items for Noting:

14.1 Planning items: As considered at full council 9th June.

6.1.1 [WK/202202846](#)

Date of notification: 25th May 2022

Consultee expiry date:

Location: MOUSEHALL WINERY AND DISTILLERY, MOUSEHALL, TIDEBROOK ROAD, WADHURST, EAST SUSSEX, TN5 6PG

Description: (*Link Currently not working, Further details requested and will be circulated*)

*Wadhurst Parish Council response to WDC: Members **object** to this application for onsite alcohol sales and the requested operating hours. This location is outside of the development boundary, within the AONB and not considered a suitable site. Access is via a narrow single track which is also used as a footpath and bridleway, and members are concerned about the disruption that this would cause to neighbouring properties. However, the parish council would support off licence sales during normal office hours.*

6.2.1 [WD/2022/0630/F](#)

Date of notification: 18th May 2022

Consultee expiry date: 8th June 2022 (*extension requested until the 14th June*)

Location: OWLERS, COUSLEY WOOD ROAD, WADHURST, TN5 6EY

Description: Internal alterations and replacement of existing annexe outbuilding with extension and glazed link

*Wadhurst Parish Council response to WDC: Members **object** to this application; this is a listed building and the design and materials are not in keeping with High Weald Housing Design Guide. Concerns were also raised over the light pollution that the glazed link would cause.*

6.2.2. [WD/2022/1410/LB](#)

Date of notification: 26th May 2022

Consultee expiry date: 16th June 2022

Location: OWLERS, COUSLEY WOOD ROAD, WADHURST, TN5 6EY

Description: Internal alterations and replacement of existing annexe outbuilding with extension and glazed link

*Wadhurst Parish Council response to WDC: Members **object** to this application; this is a listed building and the design and materials are not in keeping with High Weald Design Guide. Concerns were also raised over the light pollution that the glazed link would cause.*

6.2.3. [WD/2022/0946/F](#)

Date of notification: 25th May 2022

Consultee expiry date: 16th June 2022

Location: 12 JONAS DRIVE, WADHURST, TN5 6RJ

Description: Proposed 2 storey side extension, conversion of existing garage and internal alterations

*Wadhurst Parish Council response to WDC: Members have **no objection** to this application; however, they would respectfully request that a condition is added for the provision of two off-road parking spaces.*

6.2.4. [WD/2022/0867/FA](#)

Date of notification: 25th May 2022

Consultee expiry date: 16th June 2022

Location: DENE FARM, WADHURST ROAD, MARK CROSS, TN6 3PD

Description: Variation of condition 1 and removal of condition 2 of planning permission WD/2013/0273/FA (variation of condition 2 of WD/2000/1987/FA - change of use of former agricultural buildings for sales, office and workshop in connection with farm and garden machinery business including sale of calor gas, quad bikes, trail bikes, associated clothing and accessories. variation of condition 4 of WD/2008/2960/f - erection of replacement sales, office and workshop building in connection with existing farm, garden machinery, leisure and trail bikes businesses) to remove the restriction on the type of refreshments sold and to allow for the sale of motorbikes and bicycles

*Wadhurst Parish Council response to WDC: **no objection***

Meeting ended at 11.35 hrs