

### Delegated Officer Recommendation

**Case Officer:** JMS      **Date:** 20 July 2020  
**Consults Expiry:** 20 December 2019  
**Site Notice Expiry:** 11 December 2019  
**Advert Expiry:** 13 December 2019  
**Neighbour Expiry:** 13 December 2019  
**Expiry Date:** 7 May 2020  
**Extension of Time:** 7 May 2020  
**BVPI Category:** Minor

WD/2019/2252/O

PROPOSED PHASED DEVELOPMENT OF 5 NO. SELF-BUILD DWELLINGS,  
ASSOCIATED ACCESS AND INFRASTRUCTURE WORKS.

LAND WEST OF TURNERS GREEN ROAD, WADHURST, TN5 6TW

Parish: Wadhurst

LB ref:

Received Complete: 31 October 2019

Cons Area:

### Recommendation - Refusal

**Case Officer**      **Initials** JMS      **Date** 17.07.2020

**Pre-commencement conditions agreed with applicant?** (tick)

**CIL Liability checked by Officer**      **Initials** JMS      **Date** 17.07.2020

**CIL Liable**      Yes      No (outline)

**CIL Exemption Claimed**      Yes      No

**Team Leader/Senior**      **Initials** D Moss      **Date** 20/07/20

**Authority to Delegate Required?**      YES      NO      **Date**

**Fields filled in on Custom screen on Datawright?** (tick)

Admin

**Decision notice checked**      **Initials** RB      **Date** 20/07/2020

**CIL Liability Notice Issued**      NO      **Date** 20/07/2020

**Reason CIL Notice Not Issued:**Less than 100 m<sup>2</sup>

Not Residential

No increase in floor area

Other:

1. When measured against the full objectively assessed housing need, the Council does not have a 5 year supply of housing land. It is accepted that the NPPF requires applications for housing to be approved without delay, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or when specific policies in the Framework indicate development should be restricted.

The NPPF explains sustainable development has three objectives – economic, social and environmental. Planning policies and decisions need to guide development towards sustainable solutions while taking local circumstances into account.

The application site lies within the High Weald Area of Outstanding Natural Beauty outside the development boundary for Wadhurst defined within the adopted Wealden Local Plan (WLP) 1998 and retained in the adopted Wealden Core Strategy Local Plan (CSLP) 2013. It is located in an area where new residential dwellings would not normally be acceptable as they are contrary to the rural housing restraint policies within Saved Policies GD2 and DC17 of the WLP 1998 and WCS 6 of the CSLP 2013.

The site being on the northern edge of the village means that it is some distance from a number of the villages services and would rely on any future occupants to travel along roads without footpath and lighting to reach them, which is likely to discourage people from walking or cycling to reach these destinations. With this in mind, the occupiers of any dwelling here would be dependent on the use of the private car for most needs and services, which is the least sustainable mode of transport and would be in conflict with the environmental objectives of sustainability, as set out in paragraph 8 of the NPPF. As a consequence, the proposal is not considered to present a sustainable form of development in a rural location.

It is considered that 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 and setting of Wadhurst village. In addition, the proposed cul-de-sac layout is contrary to the historic settlement pattern in this part of the High Weald contrary to the objectives S2 and S3 of the High Weald AONB Management Plan. This further exacerbates the harm of residential development on this sensitive urban edge. Moreover, the loss of the mature boundary hedgerow to facilitate the new access along with the associated engineering works given the change in levels between the highway and site will have a significant detrimental impact on the immediate streetscene and AONB. The Council acknowledges that it will need to allow some development within the AONB to meet its housing requirement. However, development on this sensitive urban edge extending built form into open countryside would cause harm to the intrinsic natural beauty of this part of the countryside where the designation as an AONB ensures the highest status of protection in relation to its landscape and scenic beauty.

The weight to be afforded to the delivery of five self build plots in terms of housing supply; helping to meet the Council's statutory obligations with respect to the duty under Section 2A of the Self-Build and Custom Housebuilding Act 2015 (as amended); support to the existing services and facilities in the village; and, short term economic benefit of the construction phase are outweighed by the significant adverse impacts identified. It is considered that overall the identified harm outweighs the benefits and that the proposal would not represent sustainable development under the NPPF.

The harmful effects of the proposals in this location would conflict with development plan policies other than those for the supply of housing and as such there are no material considerations that outweigh the conflict with the development plan. The proposals are contrary therefore to Saved Policies GD2, EN1, EN6, EN27 and DC17 of the Wealden Local Plan 1998, Spatial Planning Objectives SPO3 and Policies WCS6 and WCS14 of the Wealden Core Strategy Local Plan 2013, paragraphs 2, 7, 8, 11, 170 and 172 of the NPPF 2019. In addition it is considered that the development would run counter to the constraints and qualities of the designated landscape in terms of the advice at 2.6 and 2.7 of Chapter 2 of the Wealden Design Guide November 2008 (adopted as Supplementary Planning Guidance).

In coming to this decision to refuse permission, the local planning authority have had regard to the requirement to negotiate both positively and pro-actively with the applicant, in line with the guidance at paragraph 187 of the National Planning Policy Framework. However, the planning constraints leading to this refusal of permission do not appear capable of resolution.

2. This planning decision relates solely to the information contained within the application form, the following plan(s) and (where appropriate) documents:

Ref.	Date Stamped.	STN4R
Landscape & Visual Impact Assessment	18/10/19	
Arboricultural Impact Assessment & Method	18/10/19	
Design and Assess Statement	18/10/19	
Transport Statement	18/10/19	
Design Code Statement	18/10/19	
Development Overview & Planning Statement	18/10/19	
Tree Retention & Protection Plan	18/10/19	
Extended Phase 1 Habitat Survey	18/10/19	
Site Plan	31/10/19	
Block Plan	17/12/19	
Tress and Hedgerow Block Plan	17/12/19	
Swept path analysis	17/12/19	
Additional Protected Species Report	17/12/19	
Hazel Dormouse Survey Report	17/12/19	
Dormouse Mitigation Strategy	17/12/19	
Pedestrian Connectivity Plan	27/02/20	
Additional Supporting Information	27/02/20	

REASON: For the avoidance of doubt.



## Executive Summary

The site is located on the northern edge of Wadhurst, on the western side of Turners Green Road, and comprises an agricultural field covering some 0.9 hectares. The site which is set at a higher level than the highway does not benefit from any vehicular access, but can be accessed via a standard wooden stile which serves public footpath Wadhurst 46 which crosses the centre of the site. The site is set outside any defined development boundary and falls within the High Weald Area of Outstanding Natural Beauty (AONB).

This is an outline application to develop the site for 5 self-build dwellings. The scheme seeks the principle of residential development here, plus access. All other issues, namely appearance, scale, layout and landscaping are reserved for future consideration.

Vehicular access to the site is proposed from a new crossover to the west side of Turners Green Road some 20m to the south of the public footpath. The access will be in the form of a simple priority junction and will have a carriage width of 4.8m. Based on the recorded 85<sup>th</sup> percentile speeds, visibility splays of 2.4m x 33m are provided in each direction. The creation of the new vehicular access will require the removal of some 10m of the existing roadside hedge.

The plans provided indicate a cul-de-sac arrangement for the 5 plots with each plot bound by hedging and to the public footpath. The applicant has also provided a 'Design Code' document which identifies plot size, max development footprints and provides design rules in respect to separation distances, performance criteria, scale and mass, and also material/colour palette. Notwithstanding this, whilst good principles have been identified the details are not precise enough to condition, moreover, the document itself states exact details will be determined at detailed planning stage.

The site is set within a countryside location where new residential dwelling would not normally be acceptable (WLP Policies GD2 and DC17). The site being on the northern edge of the village means that it is some distance from a number of the villages services and would rely on any future occupants to travel along roads without footpath and lighting to reach them, which is likely to discourage people from walking or cycling to reach these destinations. With this in mind, the occupiers of any dwelling here would be dependent on the use of the private car for most needs and services, which is the least sustainable mode of transport and would be in conflict with the environmental objectives of sustainability, as set out in paragraph 8 of the NPPF. As a consequence, the proposal is not considered to present a sustainable form of development in a rural location.

The proposed 5 custom or self build plots would, in part, help the Council to meet its statutory obligations with respect to the duty under Section 2A of the Self-Build and Custom Housebuilding Act 2015 (as amended). This is a weighty consideration given that there is evidence of need for serviced plots in the District and some doubt regarding deliverability of sufficient plots across the relevant base periods since 2016. However, the need of the planning system to protect and enhance valued landscapes such as this has to be duly weighed.

It is considered that 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 and setting of Wadhurst village. In addition, the proposed cul-de-

sac layout is contrary to the historic settlement pattern in this part of the High Weald contrary to the objectives S2 and S3 of the High Weald AONB Management Plan. This further exacerbates the harm of residential development on this sensitive urban edge. Moreover, the loss of the mature boundary hedgerow to facilitate the new access along with the associated engineering works given the change in levels between the highway and site will have a significant detrimental impact on the immediate streetscene and AONB. The Council acknowledges that it will need to allow some development within the AONB to meet its housing requirement. However, development on this sensitive urban edge extending built form into open countryside would cause harm to the intrinsic natural beauty of this part of the countryside where the designation as an AONB ensures the highest status of protection in relation to its landscape and scenic beauty.

As such for all these reasons the harm identified would significantly and demonstrably outweigh any benefits when assessed against the NPPF taken as a whole and permission cannot therefore be supported.

## **1. Statutory Bodies and Residents - Responses**

1. ESCC - Highway Authority: On this occasion I do not consider it necessary to provide formal Highway Authority comments and advise you to consult the minor planning application guidance (2017).

I have noted that the Design and Access Statement says you have engaged with us but we have no record of any input.

2. WDC - Waste Management: No objection to the proposed development; however, the following points need to be considered:

Each dwelling should have adequate storage for 1 x 180 litre refuse bins and 1 x 240 litre recycling bin. Residents may also subscribe to the garden waste service for either a 140 or 240 litre garden waste bin.

Residents will be required to move the bins from a storage point within the boundary of the property, to a suitable collection point on the scheduled collection day.

At present, no details have been provided to show that the proposed turning head is suitable for a standard collection vehicle. Before I could fully comment, please provide swept path analysis, using a vehicle of 11.5 metres in length, showing the turning head is suitable. If the turning head is not suitable, a presentation point within 25m of Turners Green Road would be required. Looking at the proposed layout, this would have to be around the location of the driveway for plot 4 and 1.

3. WDC Drainage-Footpaths Officer: Public footpath Wadhurst 46 runs east to west through the application site.

From the plans attached to this application, it would appear this public right of way will not be obstructed as a result of this application as the development has been designed to accommodate the line of the public footpath. I would therefore have no objection to this application on rights of way grounds.

In view of the proximity of this public right of way, I would wish for a condition to be applied to any planning permission which may be granted.

4. High Weald AONB Unit: In summary, the High Weald AONB Unit objects to this proposal on the grounds that 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 AONB. In addition, the proposed cul-de-sac layout is contrary to the historic settlement pattern in this part of the High Weald contrary or objective S2 of the Management Plan. The lack of any design guidelines for the self-build dwellings means that it is impossible to say whether the buildings themselves will enhance the architectural quality of the High Weald, but the proposed layout certainly doesn't reflect the character of the High Weald as required by objective S3 of the Management Plan.

5. ESCC - Rights of Way (Footpaths): None received.

6. WDC - Bio-diversity Officer:

*Initial comments of 5<sup>th</sup> December 2019:*

It is recommended the required hazel dormice, reptile and Great Crested Newt surveys are undertaken and submitted to inform the application. It is recommended the information submitted with the application without these surveys is insufficient.

It is recommended further information is submitted on bat presence and activity on the site.

The unmitigated loss of 1 hectare of moderately species-rich grassland leads to the proposed development causing a biodiversity net-loss.

*Further comments of 26<sup>th</sup> March 2020:*

The submitted protected species information is deemed sufficient and includes avoidance measures for bats, precautionary methodology for reptiles and great crested newts. The hazel dormice survey and method statement are considered to have been undertaken to best practice standards and demonstrate replacement habitat will be provided, and it is considered will meet the requirements of a Natural England EPS license; additional hedgerow is being created to mitigate smaller sections of hedgerow being removed by the proposed development.

As previously highlighted, the grassland has been identified as semi-improved however has high frequencies recorded of meadow plant species and has recorded invertebrate activity. From the information submitted the grassland appears to be moderately species-rich and have biodiversity value. The loss of grassland has not been assessed or taken account of in the mitigation hierarchy (avoid-mitigate-compensate) but has been dismissed in section 5.38 of the ecological report: "Whilst the grassland has a reasonable proportion of herb coverage, it is not likely to meet any criteria for HPI grassland". The unmitigated loss of 1 hectare of moderately species-rich grassland leads to the proposed development causing a biodiversity net-loss. The application has not been subject to Natural England's biodiversity metric v2.0 to

quantify the proposed developments biodiversity net loss or gain; this is not yet however mandatory.

Ecological objection. Biodiversity loss: The development in its current form is reasoned to result in a biodiversity loss contrary to local and national policy.

**7. Wadhurst Parish Council: Object.**

*Strongly Object.*

*The proposed development is outside of the development boundary (existing and that proposed in the draft Weald Local Plan) on a greenfield site in the High Weald Area of Outstanding Natural Beauty. 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 signification loss of views and therefore there is a high visual impact. The site is not contiguous with existing development. There is a well-used footpath running through the whole site, and an objection to this application has been lodged by the Footpath Society.*

Further comments of 30<sup>th</sup> April 2020:

*In addition to the objection it previously submitted, the parish council notes and supports the objection to his development submitted by the High Weald AONB unit on the grounds of harm to the landscape and scenic beauty of the High Weald AONB, and the extension of the settlement of Turners Green into the open countryside, along with the cul-de-sac layout which is contrary to the historic settlement pattern. The parish council also notes and support the comments submitted by the Biodiversity & Arboriculture Officer that the development in its current form is reasoned to result in a biodiversity loss contrary to local and national policy. Further, the parish council also notes and supports the objection submitted by a neighbour that the land concerned was previously known as “Two Beeches Field” and is of historic significance given that in 1863 the last great bare fisted prize fight in England took place in the field comprising this land.*

**8. Cllr Mrs J Howell:** None received.

**9. Cllr R W Standley:** None received.

**Response to Parish Council:**

As outlined in the report below, the Council shares the concerns raised by the Parish Council in regard to impact on the AONB.

Other third party responses (including local residents). See full text on website

20 letters of objection have been received the concerns raised have been summarised below;

- The development is outside the village envelope.
- Inappropriate development in the AONB – site is situated on part of the highest point in Wadhurst and the dwellings will be visible for many miles



across the Weald, destroying the current views up to (and across) Wadhurst and the site.

- Erode the AONB countryside.
- The road is narrow and constantly used by walkers. The extra traffic will result in a loss of amenity to them as well as increasing danger.
- A public footpath will be directly affected.
- Negative impact on local ecology and erode the diversity of the area.
- Not necessary to build here bearing in mind other existing local building plans in the vicinity.
- Dangerous access with poor visibility.
- Houses would be built on the ridgeline and viewed from miles around, ruining the open and rural nature of the area.
- Has no affordable housing.
- Will create additional light pollution in a dark skies area.
- Should be treated as major development in the AONB.
- The Council's 'Self-build and custom housing register' does not support the idea that there is enough, clear public interest in a self-build plot of the proposed type within Wadhurst to satisfy the LPA that it should grant permission for this major development.
- Ability of surrounding roads to support additional vehicular movements.
- The question of sustainable drainage for the proposed development has not been addressed.
- Loss of privacy.
- Will lead to destruction of ancient hedgerow.
- If approved it would open up the countryside to the north for further development.
- Impact on local infrastructure.
- The field has historic value because public prize-fighting was made illegal as a result of the fight that took place on it in 1863.

Wadhurst Footpath Society object as the development will be detrimental to the enjoyment of Public Footpath no. 46 which at present crosses an open green field that is used by many local residents. If the Council permits the proposal, we would ask that it should not permit a vehicular access to plot 5 across the footpath and require hedges/fences to be maintained on both sides of the path.

Wadhurst History Society object to the application. This is in an AONB area, it is much appreciated by walkers and it lies beyond the Wadhurst 'pocket'; the road is relatively narrow and traffic is increasing – access to the site would be difficult and potentially dangerous; its historic importance – this was the scene of the last great bare-knuckle prize fight between Tom Kind and John Heenan in December 1863. After this fight, the wearing of gloves was enforced rigorously and the Marquess of Queensberry gave his name to a new set of rules that gave birth to modern regulated boxing.

## **2. Other Relevant Responses/Issues**

None Received.

### **Pre-Application Matters**

Written advice was provided (PE/2019/0193/E) by the Council on 14 May 2019, following a surgery meeting on 8<sup>th</sup> May 2019. The pre-application related to the erection of 5 new (self-build) dwellings, the summary of the advice is provided below;

*In summary the proposal would be contrary to the current adopted local plan and the emerging plan. In the absence of a 5yr supply the saved policies would carry limited weight but there is still conflict with the wider character of the area/AONB potentially. The site is unlikely to be considered isolated for the purposes of para 79 of the NPPF however there is still significant weight to be afforded to protection of the AONB under para 172. Any application would need to demonstrate suitable access, impact on neighbours and residential amenity. Although carrying some weight I do not think that the self-build commitment would outweigh the harm matters identified. Based on the current situation regarding the SACs (which may change prior to any submission) there is no mitigation available for the dwellings due to the conflict with the emerging plan. As such were the application submitted I would suggest the application would receive a negative officer recommendation due to impact to the SACs, harm to the AONB/streetscene and conflict with the current and emerging local plan (together with any immediate character impact point and highway access dependent on the detail submitted).*

### **3. Relevant Planning History**

No planning history for this site.

### **4. Details of Case**

#### **Site**

The site is located on the northern edge of Wadhurst, on the western side of Turners Green Road, and comprises an agricultural field covering some 0.9 hectares. The site which is set at a higher level than the highway does not benefit from any vehicular access, but can be accessed via a standard wooden stile which serves public footpath Wadhurst 46 which crosses the centre of the site.

The site is set outside any defined development boundary and falls within the High Weald Area of Outstanding Natural Beauty (AONB).



Application site outlined in red on the map above.

## Policy Framework

The up-to-date approved 'development plan' for Wealden District Council comprises the following documents:

- The Wealden District Council (incorporating part of the South Downs National Park ) Core Strategy Local Plan (adopted 19<sup>th</sup> February 2013)
- The Wealden Local Plan (adopted December 1998) (Saved Policies).
- The East Sussex and Brighton & Hove Waste Local Plan (adopted February 2006) (Saved Policies).
- East Sussex, South Downs and Brighton and Hove Waste and Minerals Local Plan (adopted February 2013).
- The Affordable Housing Delivery Local Plan (May 2016)

On 28 March 2013 an application was made to the High Court under Section 113 of the Planning and Compulsory Purchase Act 2004 challenging the validity of the Core Strategy on the grounds that it failed to comply with the requirements of Directive 2001/43/EC on the Assessment and Effect of Certain Plans and Programmes on the Environment and the implementing Environmental Assessment of Plans and Programmes Regulations 2004. This was dismissed by Order dated 21 February 2014. However, an appeal on 3 grounds was made to the Court of Appeal. On 7 October 2014, the Court of Appeal dismissed Grounds 1 and 2 relating to the housing numbers in the Core Strategy (original ruling was upheld).

Ground 3 related to whether the Council had considered reasonable alternatives to the use of a 7 km zone in relation to the provision of SANGS. On 9 July 2015 in response to a Court of Appeal decision, the Council has made changes to its Core Strategy Policy WCS 12 relating to Ashdown Forest.

Prior to the Court of Appeal Judgement Policy WCS12 provided that any net increase in residential development between 400m and 7km would be required to mitigate its recreational impact through the provision of Suitable Alternative Natural Green Space

(SANGS) and on-site visitor management measures. The reference to the 7km zone of influence and the specific mitigation identified in this policy has now been removed. However all planning applications will continue to be subject to the Habitat Regulations which protect the Ashdown Forest Special Protection Area (SPA).

The rest of the Core Strategy is unaffected therefore remains intact as part of the adopted development plan for the purposes of this application.

Certain policies of the Wealden Local Plan (1998) have been 'saved' via Direction of the Secretary of State dated 25 September 2007, under the provisions of Paragraph 1(3), Schedule 8 of the Planning & Compulsory Purchase Act 2004. Annex 1 of the National Planning Policy Framework confirms that these 'saved' policies still form part of the development plan.

Under 'saved' policies EN1 (sustainable development) and EN27 (layout and design) of the Wealden Local Plan 1998, the Council has also formally adopted the Wealden Design Guide, November 2008, as a Supplementary Planning Document. Some 'saved' policies and the design guide continue to have material weight where they are in compliance with the NPPF and CSLP (having regard to paragraph 216 of the NPPF).

The Council had proposed a new Local Plan. This was submitted for independent examination on the 18 January 2019. Following the Stage 1 hearing sessions into the Examination, the Inspector wrote to the Council advising that the Plan was unsound, could not proceed and should be withdrawn. The Plan has since been withdrawn, following resolution at Full Council on 19<sup>th</sup> February 2020.

## **Constraints**

The application site is located outside of any defined development boundary and lies within the High Weald Area of Outstanding Natural Beauty.

With regard to the Environmental Impact Assessment Regulations 2017, the development proposed falls within Schedule 2 category, 10(b) - urban development project. Although the thresholds are clearly not met, the site is designated as a 'sensitive' area situated as it is within the High Weald Area of Outstanding Natural Beauty. Due to the nature and scale of the proposals, having regard to the scope of environmental issues relevant to the site, and with reference to the relevant screening criteria in Schedule 3 of the EIA regulations, the scheme is considered not to be EIA development.

There is a need to bear in mind that in some cases consolidation of development needs to be considered (ie. consolidation of development within category 13(a) – 'The Council's EIA screening appraisal has also considered the proposals in combination with the established development of the site for residential purposes'.

## **Relevant Policies**

The National Planning Policy Framework (NPPF) in force from February 2019 is a material planning consideration when assessing and determining planning applications. Due regard has been had to any relevant national policy guidance, in

particular paragraphs 2, 7, 8, 11, 39, 47, 48, 61, 73, 108, 109, 127, 170, 172, 174 and 175 of the NPPF.

- Saved Policies GD2, EN1, EN6, EN15, EN27, DC17, TR3 and TR16 of the adopted Wealden Local Plan 1998.
- Spatial Planning Objectives SPO1, SPO3, SPO8 and SPO13 and Policies WCS1, WCS2, WCS6, WCS12 and WCS14 of the adopted Wealden Core Strategy Local Plan 2013.
- Wealden Design Guide 2008 (adopted Supplementary Planning Document), Chapters 2 and 3.
- The High Weald AONB Management Plan 2019-2024.

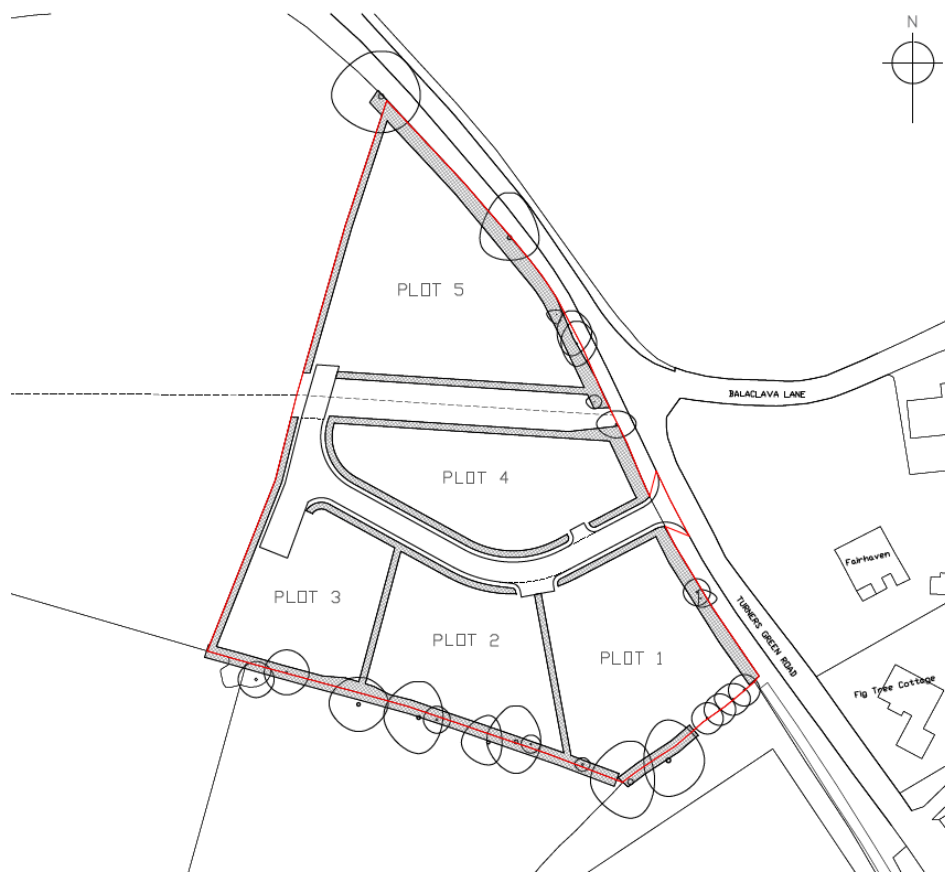
## **Proposal**

This is an outline application to develop the site for 5 self-build dwellings.

The scheme seeks the principle of residential development here, plus access. All other issues, namely appearance, scale, layout and landscaping are reserved for future consideration.

Vehicular access to the site is proposed from a new crossover to the west side of Turners Green Road some 20m to the south of the public footpath. The access will be in the form of a simple priority junction and will have a carriage width of 4.8m. Based on the recorded 85<sup>th</sup> percentile speeds, visibility splays of 2.4m x 33m are provided in each direction. The creation of the new vehicular access will require the removal of some 10m of the existing roadside hedge.

The plans provided indicate a cul-de-sac arrangement for the 5 plots with each plot bound by hedging and to the public footpath. The applicant has also provided a 'Design Code' document which identifies plot size, max development footprints and provides design rules in respect to separation distances, performance criteria, scale and mass, and also material/colour palette. Notwithstanding this, whilst good principles have been identified the details are not precise enough to condition, moreover, the document itself states exact details will be determined at detailed planning stage.



The plan above shows the indicative plot layout.

## Policy Issues

### Presumption in Favour of Local Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004) states *'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'*. This therefore provides a presumption in favour of the development plan.

Section 70(2) of the Town and Country Planning Act states *'In dealing with such an application the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations'*

Development should therefore be determined in accordance with the Local Plan unless material considerations indicate otherwise.

Currently for the purposes of Section 38(6) of the PCPA 2004, the current development plan for the area in which the application site is located comprises the Policies of the Wealden Local Plan 1998 which were saved in 2007 and the Core Strategy Local Plan which was formally adopted on 19 February 2013.

The site is outside the development boundary within the Wealden Local Plan (1998). Policies within the 1998 plan resist new housing development in the countryside which is not essential for agriculture or forestry needs or has some other similar justification for a rural location (such as rural affordable housing exception sites) as set out in saved

Policies GD2 and DC17 of the Wealden Local Plan 1998. Outside of the development boundaries, residential development is generally resisted in accordance with Policy GD2. The proposed application does not comply with any of the exception policies in the 1998 Local Plan.

The proposed development is therefore contrary to the adopted local plan and should be refused unless material considerations indicate otherwise.

The adopted Core Strategy Local Plan 2013 accepts that the development boundaries contained within the 1998 Local Plan will have to be breached to deliver the level of housing required. Policy WCS6 identifies that 70 new dwellings should be allocated in Wadhurst. Policy WCS6 postdates the 1998 Local Plan and is part of a spatial strategy that recognises the need to breach the 1998 settlement boundaries in order to deliver an adequate number of homes. Therefore, the scheme's location outside the settlement boundary would not necessarily be at odds with the spatial strategy in the development plan taken as a whole

The other significant consideration here is the NPPF 2019.

### NPPF

The NPPF is a material consideration setting out the Government's planning policies for England and how these are to be applied (para 1 and 2).

Para 11 sets out that plans and decisions should apply a presumption in favour of sustainable development. For decision making this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

11 d(i) sets out that the presumption does not apply to development where there is a clear reason for refusing the development as set out in the NPPF. Footnote 6 sets out reference to such policies; this includes habitat sites and AONBs. As set out within the report, there is the potential for impacts to the integrity and conservation objectives of the Ashdown Forest SPA from recreational impact. However, there are not clear reasons to refuse the development on grounds relating to these following the Appropriate Assessment contained within this report. However, the site does fall within the High Weald AONB, therefore 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.

In light of that, the 'significant and demonstrable' test of 11 d(ii) along with the presumption in favour is invoked.

Footnote 7 in the NPPF confirms that out of date policies would include housing policies where the Council does not have a five year supply. Wealden does not have a five year supply (see below for detailed commentary) and so saved and adopted policies GD2, DC17 and WCS6 would, for the purposes of the NPPF, be considered out of date for decision making purposes. This significantly limits the weight that can be afforded to them.

The NPPF gives weight to policies in existing plans under Paragraph 213 according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).

For policy purposes, the site falls outside any development boundary in the local plan and can for the purpose of decision making be considered a rural location. Para 79 of the NPPF deals with rural housing. This seeks to prevent isolated new housing in rural areas. Consideration of isolation is for the decision maker. There are dwellings on the opposite side of Turners Green Lane and dwellings further to the north; in this regard it would be difficult to argue a case that it was an isolated site. Wider issues of sustainability under the three strands of sustainable development identified under para 8 of the NPPF are contained within the main body of the report. Therefore, notwithstanding any conclusion on the 'isolation' point for para 79, a proposed development could still be considered inaccessible.

Paragraph 61 and footnote 26 of the NPPF refer to the obligation on Council's to meet the demand on the self build register but does not give a generic policy exception for such plots to be in rural locations nor is there any explicit statement regarding weight to be afforded. However, the Council is currently not meeting the identified demand and this must be afforded weight in the balance of considerations.

### Housing Land Supply

Paragraph 73 of the NPPF requires local authorities to identify a supply of specific deliverable sites to provide a minimum of 5 years worth of housing against their housing requirement set out in adopted strategic policies or against their local housing need where the strategic policies are more than 5 years old. The five-year supply of sites additionally requires a 5% buffer to ensure choice and competition in the market for land, 10% where the local planning authority wishes to demonstrate a five year of deliverable sites through an annual position statement or recently adopted plan to account for any fluctuations in the market during that year and where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20%.

As set out in the Authority Monitoring Report December 2019, the Council can currently demonstrate 3.67 years supply of housing land. The shortfall in the supply of housing land is a material consideration that weighs in favour of the proposed development. However, this does not mean that housing schemes which are unacceptable on sound planning grounds must now be approved.

### High Weald AONB



The site lies within the High Weald AONB, which paragraph 172 of the NPPF recognises as having the highest status of protection in relation to landscape and scenic beauty and confirms that great weight should be given to conserving landscape and scenic beauty. Saved Policy EN6 of the Wealden Local Plan seeks not just to conserve or enhance the natural beauty of the AONB, but also its character, and has regard to traditional settlement patterns and building styles.

Saved WLP Policy EN27 requires the layout and design of new development to respect the character and appearance, and to ensure a satisfactory environment for future occupants.

Saved WLP Policy TR3 requires new development to have a satisfactory means of access and not to create or perpetuate unacceptable traffic conditions and Policy TR16 relates to parking requirements.

## **5. Assessment & Conclusion**

### **Principle of development/accessibility**

The site is not located within any defined development boundary in the adopted development plan. Saved policies within Wealden Local Plan 1998 resist new housing development in the countryside which is not essential for agriculture or forestry needs or has some other similar justification for a rural location as set out in Saved Policy DC17. Outside of the development boundaries, residential development is generally resisted with Policy GD2.

Whilst the site does occupy a countryside location, it is acknowledged that the Council does not have a five-year supply of deliverable housing sites at the present time. This means that policy restrictions on development in the countryside must be viewed at the present time as being 'out-of-date' (footnote 7 of paragraph 11 of the NPPF) and that, as a consequence, planning applications fail to be considered in the context of paragraph 11 of the NPPF. However, this does not mean that housing schemes which are unacceptable on sound planning grounds must now be approved.

The adopted Core Strategy Local Plan 2013 identifies Wadhurst as a service centre, meaning it is defined as a sustainable location with a range of jobs, services and facilities, serving predominantly nearby communities and wider rural area but with accessibility to larger centres. However, the site being on the northern edge of the village means that the site is some distance from a number of these services and would rely on any future occupants to travel along roads without footpath and lighting to reach them, which is likely to discourage people from walking or cycling to reach these destinations. With this in mind, the occupiers of any dwelling here would be dependent on the use of the private car for most needs and services, which is the least sustainable mode of transport and would be in conflict with the environmental objectives of sustainability, as set out in paragraph 8 of the NPPF. As a consequence, the proposal is not considered to present a sustainable form of development in a rural location.

### **Custom and Self Build housing**

The Self-build and Custom Housebuilding Act 2015 (as amended) and the associated Self-build and Custom Housebuilding Regulations 2016 are both significant material considerations.

Amongst other matters, the purpose of the Act is to allow individuals wishing to build their own home to register their interest in acquiring a suitable plot of land with the relevant authority. Specifically, the Act makes provision for Local Authorities to maintain a register of people who are seeking to acquire a serviced plot in their area in order that they may build houses for them to occupy as homes; and the Council is required to grant planning permission for enough serviced plots of land to meet the demand for self-build and custom housebuilding in the District which arises in each base period (this comes from Section 2A of the Self-Build and Custom Housebuilding Act 2015 (as amended)).

As of May 2020, there were 84 individuals on the Council's Self-Build and Custom Housebuilding Register. It is necessary to breakdown this figure having regard to the annual base period, which falls at the end of October each year after production of a legally compliant Register after 31st March 2016. For Wealden two of these individuals were registered in the 31st March 2016 – 30th October 2016 base period, 24 were registered in the 31st October 2016 – 30th October 2017 base period, 24 were registered in the 31st October 2017 – 30th October 2018 base period and 21 applicants have been registered in the 31st October 2018 – 30th October 2019 base period and 13 applicants have been registered so far in the 31st October 2019 – 30th October 2020. No associations are currently enrolled on the self-build and custom housebuilding register.

In the period since 31 October 2016, 94 planning permissions have been granted wherein landowners have sought (and obtained) a CIL self-build exemption. In line with practice adopted by very many other LPAs, these permissions with a CIL self-build exemption have been counted against the requirement of the Self-Build Register. It would address the relevant need and as such, we have not sought to secure need on other recent planning permissions considered by the committee.

However, there have been a flurry of recent appeal decisions around the Country on this specific topic. The general thrust of decisions issued is that reliance on a CIL Self-Build exemption does not necessarily ensure dwellings would be developed in a manner that accords with the legal definition of self-build and custom housebuilding in the Self-Build and Custom Housebuilding 2015 (as amended). These are seen as test cases on the subject matter and it appears many LPAs are reacting accordingly.

The Submission Wealden Local Plan 2019 had included emerging policy HG7 but that has fallen away in line with the Plan declared unsound.

However, the NPPG on Self-Build and Custom Housebuilding states that relevant authorities could include policies in their local plans for self and custom housebuilding, but this is not a requirement. It also states that relevant authorities could seek to meet demand by engaging with landowners who own sites that are suitable for housing. So whilst there is no development plan policy in play, there is a legal duty for the Council to grant planning permission for enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area.

To be legally compliant, plots relied upon as custom or self-builds must be secured in a Legal Agreement; the applicant has submitted a draft heads of terms for a Unilateral Undertaking pursuant to Section 106 outlining their willingness to enter into such an agreement. The proposed 5 custom or self build plots would, in part, help the Council to meet its statutory obligations with respect to the duty under Section 2A of the Self-Build and Custom Housebuilding Act 2015 (as amended). This is a weighty consideration given that there is evidence of need for serviced plots in the District and some doubt regarding deliverability of sufficient plots across the relevant base periods since 2016. However, the need of the planning system to protect and enhance valued landscapes such as this has to be duly weighed.

## **Design**

This is an outline application with only the principle of development and access included at this stage. The detailed design and layout would come at Reserved Matters stage. Notwithstanding this, the applicant has provided a 'Design Code' document which identifies plot size, max development footprints and provides design rules in respect to separation distances, performance criteria, scale and mass, and also material/colour palette. However, whilst good principles have been identified the details are not precise enough to offer clear parameters to take forward as condition in respect to any subsequent Reserved Matters application; moreover, the document itself states exact details will be determined at detailed planning stage.

## **Access & Parking**

The site is to access from Turners Green Road which is a single-track country lane accommodating two-way traffic flow, which runs in a northwest to southeast alignment, has an approximate width of 4m and is subject to a 30mph speed limit within the vicinity of the proposed site, which increases to the National Speed Limit to the north.

The access will be in the form of a simple priority junction and will have a carriage width of 4.8m. Based on the recorded 85<sup>th</sup> percentile speeds, visibility splays of 2.4m x 33m are provided in each direction. This is considered adequate to serve the proposed development. Moreover, it is likely that sufficient on-site parking provision could be provided to meet the needs of any subsequent dwellings.

The above would meet with the Minor Planning Application Guidance produced by ESCC as the Local Highway Authority.

## **Trees and Landscaping**

The site is bound by mature hedging/trees on its southern boundary and roadside boundary with Turners Green Lane, apart from that the majority of the site is open and laid to grass. The indicative plans indicated that apart from a 10m section of the roadside hedge required to be removed to facilitate the vehicular access the remainder of the existing vegetation will be retained along with additional hedge planting to demark the plot boundaries and line of the public footpath. Landscaping is a Reserved Matter and therefore would be controlled at this later stage should this outline application meet with support.

The loss of the roadside hedge from a street scene/landscape impact will be discussed in detail later within the report.

## **Impact on Adjoining Properties**

In comparison to the open nature of the site, the redevelopment of this site with five properties would inevitably have a greater impact on adjoining residents. However, this is not a reason for refusal; very many developments have an effect. Whilst noting that the redevelopment of this currently open site will alter the views afforded from neighbouring properties, all neighbouring properties are sufficient distance away to ensure that the residential redevelopment of this site is unlikely to cause demonstrable harm to these existing properties by virtue of overlooking, loss of light or being physically overbearing.

## **Impact on Street Scene or Wider Landscape**

The primary purpose of AONB designation is to conserve and enhance natural beauty. The text of paragraph 172 of the NPPF sets the context for considering the impact of residential development in location such as this. It notes that great weight should be given to conserving and enhancing landscape and scenic beauty in AONB, which have the highest status of protection in relation to these issues. This is maintained in saved Policy EN6 of the Local Plan 1998.

The Wealden Landscape and Settlement Character Assessment Supplementary Report November 2016 does identify it as a sensitive urban edge and a remnant historic landscape. It falls within Landscape Setting Area 7 which has a low capacity for change.

The site is part of a post-medieval field system and has a historic routeway (public footpath). The site is elevated above the surrounding countryside and has views northward down across the valley. Its character is typical of the older field system in the High Weald in that it has robust boundary vegetation and it forms an attractive part of the High Weald landscape. As noted within the submitted LVIA there is little inter-visibility between the site and 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.

It is considered that 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 and setting of Wadhurst village. In addition, the proposed cul-de-sac layout is contrary to the historic settlement pattern in this part of the High Weald contrary to the objectives S2 and S3 of the High Weald AONB Management Plan. This further exacerbates the harm of residential development on this sensitive urban edge.

Moreover, the loss of the mature boundary hedgerow to facilitate the new access along with the associated engineering works given the change in levels between the highway and site will have a significant detrimental impact on the immediate streetscene and AONB.

The Council acknowledges that it will need to allow some development within the AONB to meet its housing requirement. However, development on this sensitive urban

edge extending built form into open countryside would cause harm to the intrinsic natural beauty of this part of the countryside where the designation as an AONB ensures the highest status of protection in relation to its landscape and scenic beauty.

### **Ecology/Biodiversity**

The submitted protected species information is deemed sufficient and includes avoidance measures for bats, precautionary methodology for reptiles and great crested newts. The hazel dormice survey and method statement are considered to have been undertaken to best practice standards and demonstrates replacement habitat will be provided, and it is considered will meet the requirements of a Natural England EPS licence; additional hedgerow is being created to mitigate smaller sections of hedgerow being removed by the proposed development.

The site is mainly grassland, and from the information submitted with the application the grassland appears to be moderately species-rich and has a biodiversity value. The Council's Biodiversity and Arboricultural Officer states that the loss of grassland has not been assessed or taken into account of in the mitigation hierarchy (avoid-mitigate-compensate) but has been dismissed as follows: *"Whilst the grassland has a reasonable proportion of herb coverage, it is not likely to meet any criteria for HPI grassland"*. The Council's Officer goes on to state that the unmitigated loss of 1 hectare of moderately species-rich grassland leads to the proposed development causing a biodiversity net-loss.

In respond to the concerns raised the applicant provided additional information which outlined the existing/predevelopment biodiversity values of the application site as per the Defra Biodiversity Metric 2.0. The applicant also proposed that the provision of Biodiversity Net Gain should form a condition of this planning application, and that a Biodiversity Net Gain Plan should be submitted and approved prior to any development. The Council's Biodiversity Officer considered that if a Biodiversity Net Gain could not be delivered offsite, then it would need to be delivered on site, but that the site would be unlikely to be able to support this given the intensity of the proposals; concluding that the Planning Authority should seek suitable evidence of Biodiversity Net Gain prior to determination.

The concerns raised in respect to biodiversity net-loss is acknowledged; however, this is an outline application, with all matters except access reserved for future approval, thus the plans submitted are indicative only. Therefore, it is considered that if the outline proposal met with support then a landscaping scheme which supported a Biodiversity Net Gain could be achieved at Reserved Matters stage.

### **Affordable Housing**

The NPPF at paragraph 63 states *"Provision of affordable housing should not be sought for residential developments that are not major development, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer)*. The site area is over 0.5ha so as set out in the glossary of the NPPF is considered as major development. Paragraph 64 of the NPPF sets out that 'Where major development involving the provision of housing is proposed, planning policies and decision should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the affordable housing needs of

specific grounds. Exemptions to this 10% requirement should also be made where the site or proposed development:

c) is proposed to be developed by people who wish to build or commission their own homes.

The importance of providing a level of affordable housing, especially in rural locations is noted and is paramount to the Council; however, in this instance while a local need is evidenced, given the nature of the proposal as self-build properties (as defined under the Self-Build and Custom Housebuilding Act 2015 (as amended)), it is not considered that this is the best site to pursue an affordable housing requirement.

### **Other matters**

In light of the recent accelerated transition for businesses and government to encourage remote-working, the applicant has suggested that a condition be attached to this application that shall ensure that the self-builders are obliged to provide suitable spaces that may be used for home working. Whilst this is commendable it does not weigh in favour of the development to outweigh the harm identified.

Annex 2: Glossary of the NPPF defines 'major development' for housing as development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. However, footnote 70 is clear that this is other than for the specific purposes of paragraph 172 and 173 in the Framework, these paragraphs specifically relate to designated areas including AONB. In this regard, footnote 55 of paragraph 172 states *For the purposes of paragraph 172 and 173, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.*

While the site does have an area above 0.5 hectares (at 0.9ha), given the modest numbers of dwellings proposed and the relatively modest site area, albeit above 0.5 hectares, it is not the opinion of the Council that this constitutes 'major development' for the purposes of development in AONBs. Notwithstanding this, as outlined within the report the Council has found that the development would cause harm to the intrinsic value of the High Weald AONB at this part.

The statement that this site was the venue for the last bare-knuckled fight in England is noted. Whilst this is of some historic interest, it is not of sufficient historical value to warrant a reason for refusal on this point alone.

### **Developer's Contributions**

The residential development will bring with it proportional demands upon infrastructure. National Planning Practice Guidance (NPPG) section 2b -011-20140612 sets out that whether CIL is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. In this instance these requirements are expected to be responded to by the CIL payment, to deliver improvements set out in the Council's IDP and Regulation 123 List.

### **Habitat Regulations Assessment**

The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 requires that where a plan or project is likely to result in a significant effect on a European site, and where the plan or project is not directly connected with or necessary to the management of the European site, as is the case here, a competent authority is required to make an Appropriate Assessment of the implications of that plan or project on the integrity of the European site in view of its conservation objectives. In so doing, an assessment is required as to whether the development proposed is likely to have a significant effect upon a European site, either individually or in combination with other plans and projects.

#### Assessment of likely significant effects on the SPA

The qualifying feature underpinning the SPA designation is the concentration of Dartford warbler and European nightjar. The conservation objectives for the SPA can be summarised as ensuring that the integrity of the site is maintained or restored as appropriate so that it continues to support the population and distribution of its qualifying features.

Natural England's (NE) supplementary advice on conserving and restoring site features for the Ashdown Forest SPA (See Planning Practice Guide (PPG) Paragraph: 002 Reference ID: 65-002-20190722) identifies recreational disturbance as one of the principle threats to ground nesting birds. Research and assessment undertaken by the Council supports this by demonstrating that increased recreation can result in damage to the bird's habitat through trampling and erosion. Moreover, the presence of people can disturb ground nesting birds during their breeding season (Feb - Aug). Dog walking can be particularly problematic in this regard, especially if dogs are let off their lead.

The application proposal would facilitate a permanent increase in the number of people living within a short drive of the SPA. The Ashdown Forest is an attractive semi-natural area which is close to the application site. However, evidence in the form of visitor surveys carried out for the Council demonstrates that it is residents living within 7km of the Ashdown Forest are likely to visit it. The application site is beyond the 7km distance and as such, the evidence held does not provide a pathway of effect for recreational disturbance.

Given the above analysis, an Appropriate Assessment, in accordance with Regulation 63 of the Habitats and Species Regulations, is not required to consider the implications of the proposal for the integrity of the SPA in view of the conservation objectives.

#### Assessment of likely significant effects on the SAC

The qualifying features underpinning the SAC designation are the presence of European dry heath, North Atlantic wet heath and great crested newts. The conservation objectives for the SAC can be summarised as ensuring the favourable conservation status of its qualifying features by, amongst other things, maintaining or restoring qualifying habitats.

NE's supplementary advice on conserving and restoring the SAC, linked to the PPG, explains that the heathland habitat of the Ashdown Forest is sensitive to changes in air quality. Exceedance of 'critical values' for air pollutants may modify its chemical substrate, accelerating or damaging plant growth, altering its vegetation structure and

composition and causing the loss of typical heathland species. Accordingly, the application development could result in an impact pathway to the SAC if it contributes to an exceedance in critical values.

The heathland habitat in the Ashdown Forest SAC is vulnerable to atmospheric pollution from several sources including vehicle emissions from motor vehicles. There is a potential impact pathway from increased traffic flows associated with new development on the roads which go through, or run adjacent to, the SAC. Many of the characteristic plants, mosses and lichens of heathland habitats are adapted to nutrient poor conditions and extra input of nitrogen can disadvantage these characteristic species in favour of others with a greater tolerance of higher nitrogen levels.

The Council had proposed a new Local Plan to 2028 which sought to deliver 14,228 homes and 22,500 square metres of business floorspace. Considering the effects of that quantum of growth, NE is satisfied that will not adversely affect the integrity of Ashdown Forest Special Area of Conservation (SAC), Lewes Downs SAC and Pevensey Levels SAC and Ramsar from air quality impacts. NE's advice regarding air quality is that this conclusion can be reached without mitigation measures being needed under the specific requirements of the Habitats Regulations. The advice is based on the evidence provided, their expert knowledge of the particular characteristics, interest features and management of the designated sites in question and professional judgement.

NE has also advised that where an existing national, regional or local initiative can be relied upon to lead to the reduction in background levels of pollution at a site, the competent authority should assess the implications of a plan or project against an improving background trend. Air quality monitoring indicates improvements in vehicle technology will come forward and this is a further material consideration to inform any screening stage.

The development proposed is also considerably less than the quantum of growth promoted in the Submission Wealden Local Plan 2019, which was declared unsound on the basis of failed duty to cooperate. For the reasons set out above, when considered on its own or in combination, the proposed development would not adversely impact on the integrity of the protected European Sites.

## **Conclusion**

The site is set within a countryside location where new residential dwelling would not normally be acceptable (WLP Policies GD2 and DC17). The site being on the northern edge of the village means that it is some distance from a number of the villages services and would rely on any future occupants to travel along roads without footpath and lighting to reach them, which is likely to discourage people from walking or cycling to reach these destinations. With this in mind, the occupiers of any dwelling here would be dependent on the use of the private car for most needs and services, which is the least sustainable mode of transport and would be in conflict with the environmental objectives of sustainability, as set out in paragraph 8 of the NPPF. As a consequence, the proposal is not considered to present a sustainable form of development in a rural location.

The proposed 5 custom or self build plots would, in part, help the Council to meet its statutory obligations with respect to the duty under Section 2A of the Self-Build and



Custom Housebuilding Act 2015 (as amended). This is a weighty consideration given that there is evidence of need for serviced plots in the District and some doubt regarding deliverability of sufficient plots across the relevant base periods since 2016. However, the need of the planning system to protect and enhance valued landscapes such as this has to be duly weighed.

It is considered that 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 and setting of Wadhurst village. In addition, the proposed cul-de-sac layout is contrary to the historic settlement pattern in this part of the High Weald contrary to the objectives S2 and S3 of the High Weald AONB Management Plan. This further exacerbates the harm of residential development on this sensitive urban edge. Moreover, the loss of the mature boundary hedgerow to facilitate the new access along with the associated engineering works given the change in levels between the highway and site will have a significant detrimental impact on the immediate streetscene and AONB. The Council acknowledges that it will need to allow some development within the AONB to meet its housing requirement. However, development on this sensitive urban edge extending built form into open countryside would cause harm to the intrinsic natural beauty of this part of the countryside where the designation as an AONB ensures the highest status of protection in relation to its landscape and scenic beauty.

As such for all these reasons the harm identified would significantly and demonstrably outweigh any benefits when assessed against the NPPF taken as a whole and permission cannot therefore be supported.

