

Re Planning Inspectorate Ref: APP/C1435/W/20/3265921
Appeal by Landstrom Group
Site: Land West of Turners Green Road, TN5 6TW

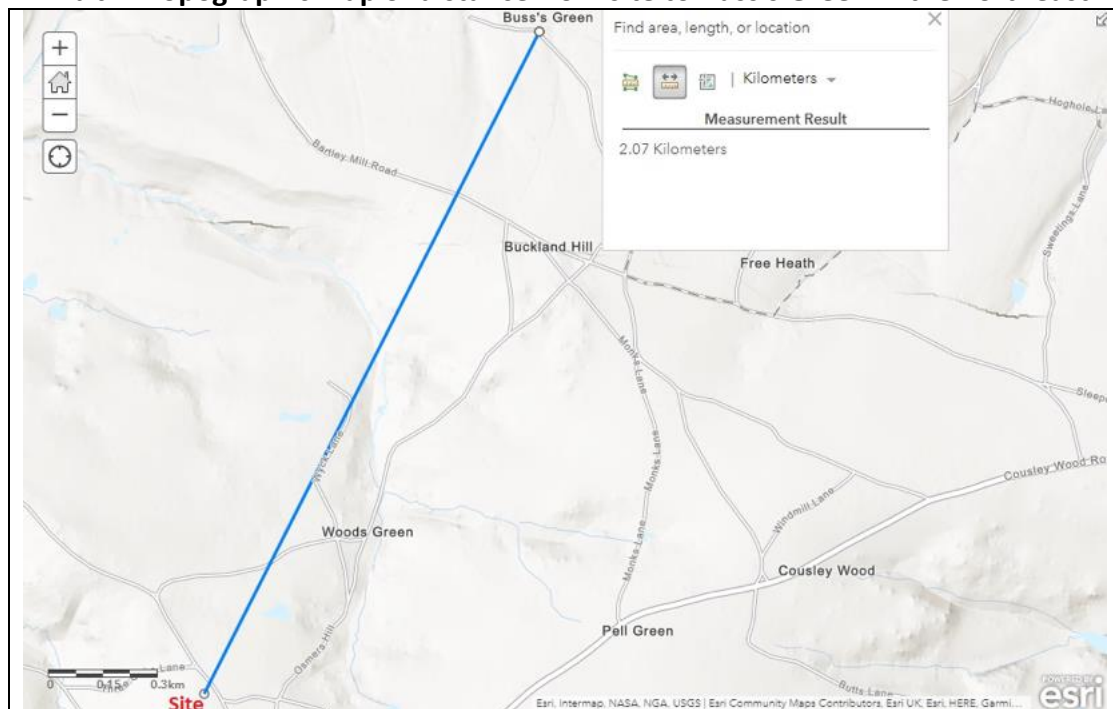
OBJECTION TO APPEAL

Exhibit 1: Photo of site



Source: ESRI

Exhibit 2: Topographic map of distance from site to Buss's Green in the northeast



Source: ESRI, 2021 (distance marked from site to Buss' Green)

INTRODUCTION

We are writing on behalf of '*North Wadhurst Save our Fields*', residents group. Our group was formed in March 2021 and we now number over 60 people. We are dedicated to protecting and enhancing the beauty and heritage of the hamlets north of Wadhurst in Turners Green, Osmer's Hill, Sparrows Green, Stone Bridge and Woods Green. Our website, objectives and constitution are to be found at: www.northwadhurst.org.

We are opposing the Appeal which has been put forward by the Landstrom Group in respect of Wealden District Council's refusal to grant permission in application WD/2019/2252/0.

Anyone looking across the fields at Turners Green, north Wadhurst, can see that they are not suitable for a cul-de-sac housing development. Perched on the High Weald AONB, the site is very prominent from the public highway (Exhibits 1 and 2 on page 1). Designated in 1983 as an Area of Outstanding Natural Beauty, the High Weald is an exceptionally beautiful medieval patchwork landscape, comprising fields and hedgerows, which covers 564 square miles across East and West Sussex, Kent and Surrey.

Exhibit 3: The site looking from the top of Three Oaks Lane



Source: Author's photo, the site is that part of the field beyond the post and rail fencing

The site is elevated above the surrounding countryside and has northward views down across a valley. A built development on this site would be very harmful to the rural landscape. It would appear as a suburban housing estate, very visible, in this open and exposed part of the AONB landscape (Exhibit 3).

The High Weald Joint Advisory Committee objection letter (December 2019) stated that;

'the proposed cul-de-sac layout is contrary to the historic settlement pattern in this part of the High Weald contrary to 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.'

The Appeal references 'The Design Code' and 'The Wealden Design Guide' and the 'High Weald AONB Colour Study 2017', calling them 'a robust framework' for the housing design (3.4). However, the text is sufficiently ambiguous and non-specific, and gives no details as to what, exactly, would be proposed or built. Indeed, we could end up with built dwellings which look more like launderettes than Sussex style houses. It is fair to say that any two-storey built form in this rural position, would not reflect the character of the High Weald.

The site is also of historic interest. This should not be understated. This is the field where the last public Bare Knuckle Prize Fight took place between Tom King and John Heenan in December 1863. The fight lasted twenty-four rounds and thirty-five minutes, and had a significant impact on modern day boxing, leading to the Queensbury rules for boxing. From this date, changes were made to the rules for boxing. Boxing gloves were enforced, and a fighter could no longer seize an opponent round the waist and throw him to the ground; punching alone would decide any contest.

In 1986, there was robust local objection when the two beech trees which flanked the entrance to the field, were chopped down.

Currently in 2021, there is a lot of community opposition to the proposed development of the site, and the urbanisation of our local heritage and this historical site.

Indeed, the National Planning Policy Framework 2019 (184) clearly states that;

'Heritage assets range from sites and buildings of local historical value' and

'These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so they can be enjoyed for their contribution to the quality of life of existing and future generations'.

The original application for a cul-de-sac of 5 self-build plots was put in in October 2019 by Landstrom, and, quite rightly, robustly rejected by Wealden District Council in July 2020. Please refer to:

<https://planning.wealden.gov.uk/plandisp.aspx?recno=147843#>

REASONS FOR OPPOSING THE APPEAL

1)The Appeal site lies outside of the Wadhurst designated development boundary, where protective countryside policies restrict development. It is non-contiguous. Development would be contrary to policies GD2, DC17 and EN27 of the Wealden local plan 1998, and policy WCS6 and WCS9 of the Wealden District Core Strategy local plan (2013).

2)The site lies within the Area of Outstanding Natural Beauty which restricts development in accordance with the NPPF 2019. The NPPF states 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’ (172) NPPF 2019. The Appeal attempts to challenge and undermine the protections afforded by the NPPF 2019 to the AONB.

3)The site lies on a high ridge on the northern side of Wadhurst. The site slopes steeply down to the right from a ridge top within the High Weald Area of Outstanding Natural Beauty, and is part of a landscape with high landscape sensitivity. The proposed 5 dwellings would create built form of two stories on the high ridge. It would be visible on the horizon from as far as properties at Buss’s Green, in the north east, making it far more harmful to the High Weald AONB, as stated in WDC’s reasons for refusal (Exhibit 2 on page 1). It is also visible from the West, as far away as Dewhurst Lane (see Conclusions).

The introduction of domestic built form, including the appeal’s proposed destruction of ancient grass verges on the corner of Turners Green Road, and the construction of a concrete footpath in their place, combined with the removal of established and ancient hedgerows, would serve to urbanise and erode the sensitive and rural amenities of this northern side of Wadhurst.

4)The addition of a new urban footpath – ‘Highway to Hell’.

The crucial change from the original application is the proposed addition of a portion of urban footpath, reportedly running from the corner of the site (where it meets the recreation centre), along Turners Green Road, somehow crossing the treacherous and uneven surface of the car park (Exhibit 4), and continuing along the grass verge of South View Road, until it meets the existing footpath.

Exhibit 4: Treacherous and uneven car park



Source: Authors’ photo taken on 25 March 2021

In its potential path are 2 mature oak trees with significant roots, which would undoubtedly have to be removed, or interfered with (Exhibit 11 below). There is no mention of these in the Appeal. Nor does the Appeal mention that they would need to resurface the dangerous uneven ridges of the car park (see Exhibit 4 above), to make it usable for pedestrians, mothers with prams, wheelchairs, and elderly and infirm residents. Moreover, the new footpath would be situated on a hill, at the top of South View Road. This presents issues of drainage and flooding, which were not addressed in the Appeal. The proposal is undertaking to construct this new portion of footpath, and connect it up to the footpath which already exists and starts in South View Road, thus;

‘There is a footpath all the way from the recreation ground to the centre of the village’ (2.5).

This is very misleading, when we consider the non-usability and impracticality of the existing footpath.

From where the existing footpath starts on South View Road, it continues along the road until the road merges with Sparrows Green Road. At this point, in front of the Chinese Takeaway, the footpath is badly broken up, and the surface is very uneven, and thus this part of the footpath could not be safely used by pedestrians, pushchairs or wheelchairs (Exhibit 5).

Exhibit 5: Badly damaged footpath



Source: Authors' photo taken on 25 March 2021

The footpath then narrows considerably along the first part of Sparrows Green Road, and it is very uneven. It measures just 70 cm in width at the narrowest point, just before the Veterinary Surgery (Exhibit 6 below).

Just before the Veterinary Surgery, there is a blind bend as you cross George Street, which is very dangerous for pedestrians. The footpath then disappears completely in front of the Vet's garages, with a treacherous cobbled area adjacent to the garages, which you have to negotiate. There is no footpath anymore and just a grass verge (Exhibit 6 below).

Exhibit 6: Vet's garages



Source: Authors' photo taken on 25 March 2021

Immediately after the Veterinary Surgery there continues to be no footpath at all for some distance, with the public highway bordering the front garden of Little Mendips and neighbouring cottages. (Exhibit 7).

Exhibit 7: Spot the pavement



Source: Authors' photo taken on 25 March 2021

From Wellington Place there is an extremely narrow stretch of footpath which appears to be used primarily as a parking kerb for private cars (Exhibit 8).

Exhibit 8: Pedestrian's nightmare - Parking on the Kerb



Source: Authors' photo taken on 25 March 2021

This extends as far as 2 Highbury Place, with a very steep one step up, and then one step down, which could not be negotiated easily by the elderly, infirm or disabled, let alone a pram or a wheelchair. The footpath then disappears completely again, so there is nowhere for pedestrians to walk other than in the middle of the public highway which extends up to resident's front gates. The footpath resumes again after Cockmount Lane, where there is another dangerous blind bend for pedestrians to negotiate as they cross the junction.

The narrow stretch of footpath then extends up to the small CO-OP, and is strewn with plant pots, dustbins and parked cars. (Exhibit 9)

Exhibit 9: No way through – blocked pavement



Source: Authors' photo taken on 25 March 2021

Pedestrians then need to cross the dangerous CO-OP carpark frontage, with limited space and highly congested by delivery lorries. The footpath then continues up to the main Station Road. From here you turn left onto the main road (B2099) and continue into the hub of the village of Wadhurst.

On the other side (left-hand side) of the road, the footpath is also extremely narrow and uneven and slopes down to the drainage grid on the left side. It becomes even narrower, measuring 75 cm at the cottages, opposite to where there is a complete absence of footpath on the right side of the road.

All things considered, there is definitely not a continuous footpath from South View Road to the village, and there will never be an easy, or pleasant walk into the village from the site, as the Appeal misleads you into believing.

Given the above, it is delusional to talk about; *'the quality of the walking experience'* (6.29). New residents would not travel by foot, they would have no choice but to take to their cars.

Similarly, the direct route from the site to Wadhurst Station via Three Oaks Lane is not pleasant or safe. The lane is narrow with many blind bends, no footpaths, deep ditches on either side, no street lighting, and many potholes and a badly broken up surface (Exhibit 10 below).

Exhibit 10: Pot hole in Three Oaks Lane



Source: Authors' photo taken on 25 March 2021

These routes are also unsuitable for cyclists. The route to the station is downhill along Three Oaks Lane; but the lane is uneven, with potholes, and treacherous for cyclists. The return journey, from the station, would be a very hard cycle ride uphill, all the way back up Three Oaks Lane. Likewise, cycling to the village hub would be an uphill struggle – in every sense of the word; the journey would be too difficult to negotiate for most cyclists. All things considered, residents would take to their cars once again, creating further congestion in the village, which is not sustainable.

Appeal paragraph 9.1 states that the entire footpath would mean;

‘the site would be connected by footpath to the services and facilities’.

This is nonsense. There are no services and facilities within walking distance of the site.

Wadhurst Station is 1.9 km from the site. There is one small shop much further along in Sparrows Green Road, whereas the main village centre hub, with its selected shops, doctor’s surgery and post office, is 2km away. The secondary school is further away at the far end of the village. This would mean there would need to be more usage of private cars to access amenities, and more demand for parking in the already badly congested village. This is not sustainable, and one of the principal reasons why the planning officer rejected the original application in 2020.

5)The Appeal proposes to destroy the biodiverse grass verges on the Turners Green junction with South View Road. The grass verges are rich in vegetation, especially native species of flora; in March/April 2021 there is particular abundance of native primroses present on the grass verges in question. The verges provide habitats for unusual and protected species (Sussex Biodiversity Records Centre Report 16 March 2021). The construction of a concrete footpath on this verge will likely destroy the native species of flora, adversely affect the ancient hedgerows, and may destroy them, as destruction of the verge is likely to interfere with the roots of the hedgerows. In addition, there would be damage to, and loss of mature trees and their roots, which are growing on the verge, and lie in the path of the proposed footpath (Exhibit 11).

Exhibit 11: The new pavement would be damaging to trees and tree roots



Source: Authors’ photo taken on 25 March 2021. Note photo taken by entrance to the Sparrows Green recreation ground

6)The proposed footpath would result in narrowing the useable road width at the corner junction of Turners Green Road and South View Road. South View Road is especially narrow adjacent to where the footpath would be constructed, and cannot comfortably accommodate two-way traffic. Cars currently use the grass verges as a means of passing other cars. The inevitable increase in traffic and heavy vehicles afforded by the development would mean further congestion (Exhibit 12 below), and create further hazards at the blind

bends on Turners Green Road, and at the junction at Balaclava Lane (which would inevitably be used as a cut through from the B2100).

Exhibit 12: Traffic pressure on Turners Green and junction



Source: Dr S Faircloth, photos taken on 31 March 2021.

The result will be these rural lanes becoming increasingly hazardous to pedestrians, cyclists, dog walkers and horse riders who frequent them, and children walking, often unaccompanied, to and from school. It would potentially result in discrimination against disabled lane users, and parents with prams and pushchairs (prohibited under the Equality Act 2010). These lane users would not be able to reasonably negotiate the lane, with the inevitable increase in heavy traffic, afforded by the construction and development.

7)The lanes on the northern part of the village have no street lighting. The application does not include putting in any street lighting to the intended additional footpaths, making them even more hazardous to cyclists and pedestrians, and is thus likely to impact on highway safety.

8)Ancient footpath (Wadhurst 46) runs through the proposed site. Any development would undermine the essence and character of this ancient and well-used footpath. Development on this historic site, with its High Weald views across the Sussex countryside, would divorce the footpath from its countryside setting, and set it within an urban cul-de-sac context. This is out of keeping with the rural northern Wadhurst village location.

The speculation of paragraph 2.6 of the appellant's case statement ('the Appeal') that the footpath is used as a cut-through to get to Wadhurst station is unfounded and shows a complete lack of research. Footpath 46 is a wonderful community recreational facility, with cherished views. It is appreciated as a part of an appealing walk through this wonderful area of Sussex countryside. It does become very muddy following periods of rain, and thus walking boots become essential. This would not be ideal for London commuters to wade through in smart shoes (Exhibit 13 below).

Exhibit 13: Spot the commuter on the muddy footpath



Source: Sarah Stewart, photo taken in March 2021.

The Covid 19 pandemic has brought significant changes to the lifestyle of Wadhurst residents. The change has led to a huge increase in demand for open green spaces.

Footpath 46 is regularly used and is a quick and easy way to access the local countryside. The immediately accessible views of the open countryside will be lost – something which was confirmed to be harmful in paragraph 8.13 of the Appeal; *‘any built development would be very harmful’*. Paragraph 8.5 accuses the Wealden District Council of failing to recognise ‘the importance of the sport, recreation, children’s play, and community facilities immediately adjacent to the site’. The proposed site will essentially be removing valued green space that is used for just those purposes.

In addition, footpath 46 was a precious green space for local residents, particularly those with dogs, when the recreation ground was compulsorily closed by the Wadhurst Parish Council earlier in the year as a precaution against spreading Covid 19 within the community.

9) The Appeal proposes environmentally unsustainable damage, and removal of grass verges, ancient hedgerows and mature trees on the lanes, which would result in the loss of a priority habitat, and degradation of protected species and habitats. Such urbanising impact on this rural part of Wadhurst would bring unacceptable impacts on biodiversity and vegetation. The NPPF 2019 states;

“development resulting in the loss or deterioration of irreplaceable habitats, e.g. ancient veteran trees should be refused’ (175c).

The Appeal proposes to damage 66 metres of mature, mixed, native hedgerow, involving 66 metres of drastic hedge reduction necessary for the visibility splay, (according to the map by Cotswold Transport Planning – a document provided to WDC as a part of the application), and the complete destruction and removal of 10 metres of hedge for vehicular access (paragraph 3.2). The Appeal quotes the NPPF 2019 Paragraph 170, stating that decisions should contribute to and enhance the natural and local environment by;

‘minimising impacts on and providing net gains for biodiversity’.

The removal of hedgerows and verges cannot be described as ‘net gain’. No evidence for a *net gain* is provided, but there is promise that 440 metres of new hedging will be installed throughout the proposed development, which does not constitute a gain, but rather an environmental compromise for the permanent loss of native, mature habitat. Likewise, at no point does the Appeal justify how erecting 5 self-build two storey dwellings on a rural lane, on a green field, a historic site used as a public recreational footpath, will enhance the natural and local environment.

10) Social, Environmental and Economic Issues

The proposed development is next door to the Sparrows Green recreation ground where children and families will be extremely vulnerable to injury or fatality due to the increased traffic during the construction phase, and subsequent phases. Heavy construction vehicles, with limited visibility, would be manoeuvring along single file lanes with no pavements (undoubtedly using Balaclava Lane for access from the B2100), and would pose a life-threatening safety hazard (paragraph 79 of Health and Safety Executive, 2009) for all users, particularly children, of the recreation ground, due to there being no additional room on the lanes for them to get out of the construction vehicles’ way.

The characterful verges lining the lanes are narrow, inclined, undulating and muddy, and the implicit suggestion that the recreation ground and lane users should use the verges during construction (there would be no other means) acts to endanger all lane users due to the risk of slipping over and off the verge. There would be positive discrimination (prohibited under the Equality Act 2010) of disabled lane users, the elderly and users with prams and buggies (e.g. a parent at home alone), who would not be able to use the verges to walk on. This isolates these users from the wider community, or forces them to use their cars, which is not socially or environmentally sustainable, respectively, let alone safe (NPPF paragraphs 8 & 9), and indeed one of the principal reasons why the original application was refused by Wealden District Council.

Contrary to the speculation (no evidence was provided) at the end of paragraph 8.8 of the Appeal that states that economic benefit would be conferred onto the recreation ground from the proposed development, users of the recreation ground would be put off from using the area due to the lane safety hazards, noise and health hazards in the form of polluting industrial airborne dust, which would see a decrease in the use of facilities in the short term, and equally likely in the long term, as users opt to use safer and less crowded facilities in other villages. This would have a detrimental effect on social and economic sustainability according to paragraph 8 in the NPPF 2019.

No effort was made in the Appeal to demonstrate how the recreation ground and its users would benefit from the proposed 5 self-build dwellings. In fact, greater expenditure by Wealden District Council would be required for the upkeep of the facilities and lanes, for more lane users with more cars and heavy vehicles (the lanes are already breaking up and full of potholes), to ensure that lane safety is monitored (paragraph 91 NPPF 2019). This would all be due to the safety hazards generated by this specific proposed development, in conjunction with its potential hazardous access out onto a single file country lane.

11) Biodiversity Issues

The Sussex Biodiversity Records Centre Report (16 March 2021), and the ecology survey provided by Landstrom, report evidence of bats on the site. This development would result in the degradation and likely loss of bat's foraging and commuting habitat. There is also evidence of badgers setts close to or possibly within the site. There have been regular sightings of badgers by local residents at night. We note that badgers are a protected species under the Protection of Badgers Act, 1992, which includes "Taking, injuring or killing. Cruelty. Interfering with badger setts". Currently the hedges are overgrown inside the site, and this provides possible cover for badger setts, so they are not always obvious.

The Sussex Biodiversity Records Centre report (16 March 2021) identifies species which are present in the vicinity:

- Palmate newt: protected species
- Great crested newts: NERC Act S41 Priority Species. Protected species
- Hazel dormice: NERC Act S41 Priority Species. protected species
- Common toad: NERC Act S41 Priority Species. Species of Principal Importance
- West European Hedgehog: Species of Principal Importance.
- Slow worm: NERC Act S41 Priority Species. protected species
- Grass snake: protected species
- Bats: Serotine, Myotis bat, Noctule bat, Long Eared bat, Brown Long Eared bat, Common Pipistrelle, Soprano Pipistrelle, Pipistrelle. These are Species of Principal Importance and protected species

The Sussex Biodiversity Records Centre Report (16 March 2021) identifies the following resident species of Sussex Notable Birds present in the area. The following are Birds of Conservation Concern and are red listed, which is the most critical group:

- Starling – NERC Act S41 Priority Species. Bird of Conservation Concern red listed
- Turtle Dove – NERC Act S41 Priority Species. Bird of Conservation Concern red listed
- Cuckoo – NERC Act 41 Priority Species. Bird of Conservation Concern red listed
- Grey wagtail – Bird of Conservation Concern red listed
- Pochard – Bird of Conservation Concern red listed
- Skylark – Bird of Conservation Concern red listed
- White fronted Goose – Bird of Conservation Concern red listed

The following are Birds of Conservation Concern amber listed, which is the next most critical group:

- Stock Dove – Bird of Conservation Concern amber listed
- Dunnock -NERC Act S41 Priority Species. Bird of Conservation Concern amber listed.
- Teal – Bird of Conservation Concern amber listed
- Mallard – Bird of Conservation Concern amber listed
- Tawny Owl – Bird of Conservation Concern amber listed/Species of Principal Importance
- Bullfinch – NERC Act S41 Priority Species. Bird of Conservation Concern amber listed

The following are other Sussex Birds identified as present in the area:

- Western Barn Owl

- Tufted Duck
- Whooper
- Hobby

In England, many of our rarest and most threatened species are listed under **Section 41 (S41) of the 2006 Natural Environment and Rural Communities (NERC) Act**. Outcome 3 of the government's Biodiversity 2020 Strategy contains an ambition to ensure that;

'By 2020 we will see an overall improvement in the status of our wildlife and will have prevented further human induced extinctions of known threatened species'

Protecting and enhancing England's S41 species (some listed above) is key to delivering this outcome.

If this appeal is granted, species listed above, and their habitats in the Turners Green area, will be put under risk. The NPPF 2019 states that;

'If significant harm to biodiversity resulting from development cannot be avoided then planning permission should be refused'(175a).

12)Flooding

The site is elevated and slopes steeply down from left to right, in the direction of Three Oaks Lane and Stonebridge House. Exhibit 14 shows elevations at different parts of the field, so that slopes can be estimated. For example, along the longest perimeter, a rise of 9m (from 150m to 159m) occurs over a distance of 152m, suggesting a slope of c6%. This translates in to a severe run-off of surface water into Stonebridge House and Three Oaks Lane.

Exhibit 14: Field slopes and run-off implications



Source: Link: <https://gridreferencefinder.com>. Source: Apple Maps

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

Although the site is within Flood Zone 1, there is a high degree of flooding that occurs in the immediate area due to the conduct of surface water. Whilst the site itself may not flood, **the run off from the site is a severe recurring problem**. Whenever it rains, rainwater runs down the gradient of the slope of the site and floods into the garden of Stonebridge House, and through the field gate into Three Oaks Lane (see Exhibit 15 below). This leads to localised flood water gushing down Three Oaks Lane. Furthermore, there is an inadequate surface water drainage system in Three Oaks Lane, and the ditches regularly flood with surface rainwater. The lack of a mature hedgerow (currently there is just a post and rail fence), separating the site from the next field, also means that there is no natural barrier to the run off.

Exhibit 15: Run-off from the site flooding into Three Oaks Lane



Source: Authors' photo taken in December 2020

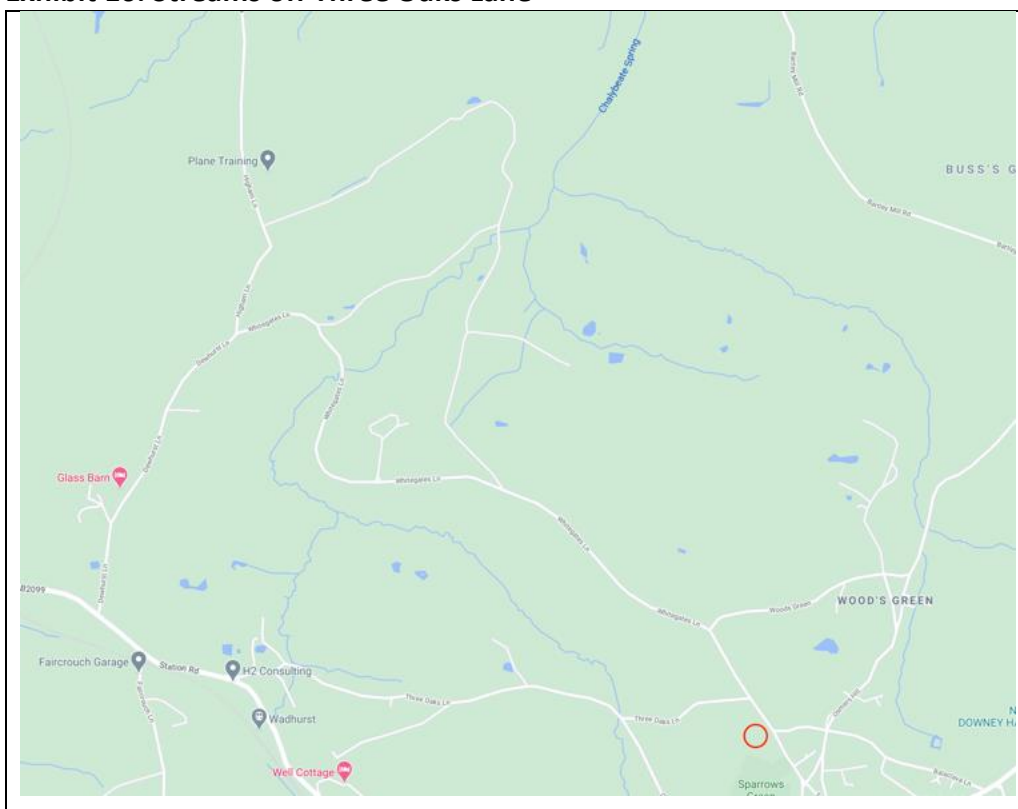
We note there would be a problem of 'site hardening' if the self-build development were to go ahead. 'Site hardening' is the conversion of a currently absorptive natural surface to a non-porous surface, such as tarmac and roofs. This would lead to an increased risk of run off, and in this case, no mains drainage to mitigate the run off. The project entails adding yet more concrete and tarmac to the proposed site in the form of built footpaths, and the 5 self builds would have roofs. With more non-porous surfaces included in the development, there will be a significantly higher run-off from the high ridge at the top, and far less absorption of the run-off from the site surface. The natural surface in this area is sand on clay which naturally has a high water holding capacity, and means that the soil does not

drain easily (source: Noble Research Institute: Soil and Water Relationships, 31 August 2001).

We should also mention that the increased run-off along Three Oaks Lane would worsen the already badly damaged tarmac surface of the lane. This would lead to the need for greater expenditure by Wealden District Council for upkeep and maintenance of the lane.

The risk of the combined effect of additional surface water plus effluent run-off from 5 septic tanks, should not be understated. It would hugely increase the volume of run-off (surface water combined with effluent), flooding down the field into Three Oaks Lane and Stonebridge House. Run-off cascading down Three Oaks Lane would naturally run into the ditches and water courses along the lane, and into streams, which eventually join the Chalybeate Spring (Exhibit 16).

Exhibit 16: Streams off Three Oaks Lane



Source: Google Maps

These factors would have a detrimental environmental impact, especially with septic tank run-off infiltrating the local water courses and streams. We urge the Inspector to consider carefully the effect of the combination of these factors; namely the risk of effluent and surface water run-off, exacerbated by site hardening. This all suggests that the development is not environmentally sustainable.

We note that the NPPF 2019 states that;

‘inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk’ (155);

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

MISLEADING STATEMENTS IN THE APPEAL DOCUMENT

There are numerous factual errors and misleading statements in the Appeal document.

a) **Cul-de-sac development is mentioned throughout the Appeal but with an obvious absence of knowledge of the local area.** The proposed site would be a cul-de-sac design (2.2). The map in figure 1 (page 7) contains obvious errors. For example, 3 properties are highlighted as being on a cul-de-sac, immediately to the east of the proposed site. In fact, the southerly property is positioned on a completely different road to the other 2 (with an entrance into Osmer's Hill), whereas the remaining 2 properties are located on a long private driveway that is owned by one of the properties (Tanglin). Likewise, Hollydene Road is a private road owned by the residents, which has existed since the early 1900's (OS map 1929).

Additionally, in table 1 of the Appeal, it is stated that 'cul-de-sac development is a noted part of the Wadhurst settlement pattern and the whole of Wadhurst is within the high weald AONB so it could not be said to be out of character with this AONB settlement'; and a section of the 1998 Local Plan is used as evidence for this: 'The larger settlement of Durgates, Sparrows Green and Turners Green comprises principally residential estate development. To the north east of Station Road, existing development is relatively compact in its form and comprises both modern cul-de-sac and older terrace and semi-detached development served off narrow winding roads, often *country lane* in their character'.

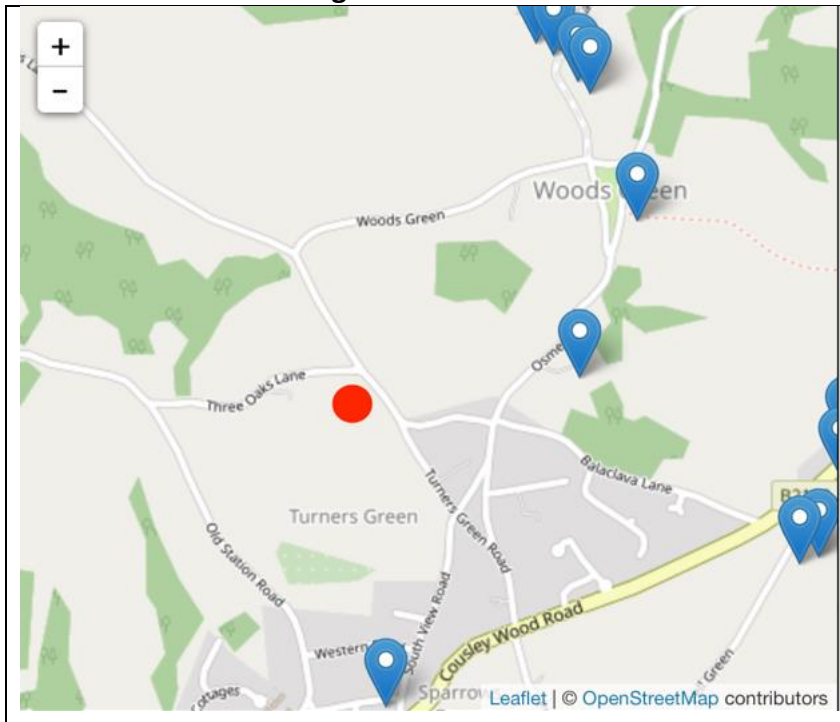
However, locations mentioned (Durgates, Sparrows Green and Turners Green, i.e. to the north east of Station Road), are considerably further south of the proposed development site, with the closest cul-de-sac being Queens Cottages, which is 0.5 km distant and well within the adopted Wealden Local Plan (1998), and retained in the adopted Wealden Core Strategy Local Plan (2013). It remains therefore, that the 'proposed cul-de-sac layout is contrary to the historic settlement pattern in this part of the High Weald', as stated by Wealden District Council in their reasons for refusal.

These oversights give diminished weight to the argument in favour of a cul-de-sac design.

In fact, this would be visually detrimental to the rural setting of the area, and would result in harm to the high weald AONB landscape. It does seem that the Appeal tries to over-exaggerate the extent of cul-de-sac layout in the local area, when in fact, the true essence of the surrounding area is rural and countryfied with older typical Sussex style cottages, farm houses and narrow lanes.

b) **Paragraph 2.4 states that there are no listed buildings within the vicinity of the Appeal site. This is untrue.** There are listed buildings in the vicinity of the appeal site. Horsegrove (350 metres from site), and Gate House in Woods Green (approx. 650m) and Gloucester Place Cottages are Grade II listed (see Exhibit 17 below).

Exhibit 17: Listed Buildings in Wadhurst



Source: <https://britishlistedbuildings.co.uk/england/wadhurst-wealden-east-sussex#.YF9F5y2cZBw>. Note: site marked in red

c) **Paragraph 2.8 states that the hamlets to the north of Wadhurst ‘are within the lowest level of landscape sensitivity of the whole area’. This is untrue.** The appeal site is at the highest point on the High Weald Wadhurst Ridge line in AONB, sloping dramatically down towards Stonebridge House and Three Oaks Lane. The rural aspect of the high ridge, attracts star gazers, wildlife spotters, and protected species such as tawny owls and bats and badgers. It is therefore recognised that the site is in the highest level of landscape sensitivity, and it is recognised that its overall sensitivity is especially high, being within the AONB. The height of the site means that any development would be obvious from the wider landscape, and would be very distinct amongst the cherished views in the area. In addition, hedgerows are always kept short and cut every year, so they do not screen the cherished views. This is contrary to the claims made in 8.24 of the Appeal document.

d) **Paragraph 2.5 states that there are ‘four floodlit artificial grass tennis courts’ at Sparrows Green Recreation Ground. In fact, there are just two floodlit artificial tennis courts,** as two are not floodlit. Also, there are restrictions on the hours of use and height of the floodlights after a High Court order.

e) **The paragraph states that opposite the Recreation Ground there is ‘The Hall’, a community building, available for community meetings, social gatherings and events. This is completely false.** The Hall is a private commercial property comprised of office space. Office space has recently been let via Durlings, Tunbridge Wells and there is no available space for *commercial* use, let alone for *community* use. It is emphatically not a community building.

f) **Paragraph 2.5 states ‘there is a continuous footpath to the railway station’.** There is a continuous footpath if the commuter wants to walk the long way round, which is at least 2.4 km (according to the Appeal document) to the station. The alternative, shorter, more direct route to Wadhurst mainline station is along Turners Green Road and Three Oaks Lane.

These are single track lanes, with no street lighting, and no footpaths. Three Oaks Lane is especially hazardous since it is narrow with many blind bends and ditches on either side. The road surface is poor, with many potholes and broken tarmac. This is a very hazardous to walk to the station. The local services and facilities are not within comfortable cycling distance, or walking distance, and the lanes would be dangerous to cyclists as there are many potholes and blind bends. This would mean that more private cars would be in use. It is the inevitable increase in private cars which was one of the principal reasons for WDC's refusal of the application.

g) Whist it is correct that the site is located within Flood Zone 1, paragraph 2.6 of the Appeal gives the misleading impression that it does not flood, or rarely floods. It does flood (Exhibit 15 above), and the behaviour of the surface water at the site contributes to water flooding down the public highway. The site slopes steeply from the high ridge down towards Stonebridge House and Three Oaks Lane. Stonebridge House and Three Oaks Lane already flood regularly when it rains (Exhibit 15 above). The proposed construction of properties with roofs, a concrete cul-de-sac and footpaths, combined with no sustainable drainage system to mitigate this, would further increase the danger of more dramatic flooding from surface water and effluent overspill from septic tanks.

h) Paragraph 2.9 states that 'field boundaries of mixed native species hedgerow act as screening, which greatly limits the views into the site from the public highway'. This is untrue. The site slopes from the peak of the high ridge, and much of it is above the level of the bordering lane to the east and south. The hedgerows are maintained at a low height, giving high visibility from the public highway and surrounding area. This is largely because the site was "sterilised" prior to the Appeal being launched.

i) Paragraph 2.10 mentions the lighting at the Sparrows Green Recreation Ground. However, the lighting is not significant and does not in any way detract from the rural ambiance of the area. It should be noted that the use of the lighting is restricted to limited hours after a High Court order.

j) Paragraph 2.11 talks of creating 'a more formalised footpath along the verge to link the site and the recreation ground'. This statement is incorrect. There is currently no footpath from the south edge of the parking lot on the corner of Turners Green Road, to the start of the footpath on South View Road (also 8.4). This is a distance of approximately 100 metres with no street lighting.

k) Paragraph 2.11 refers to access to the proposed site, which would create a crossroads at the junction of Turners Green Road and Balaclava Lane. Balaclava Lane is especially narrow and hazardous, with no street lighting, and numerous blind bends. There have been several accidents on this lane. Creating a crossroads on this already narrow junction, would be potentially hazardous. Turners Green Road bears round to the right merging with South View Road at a second cross roads junction. The Appeal intends to use the width of the grass verge leading from the Recreation Ground to create a footpath. This would make the second junction narrower and potentially more hazardous. Turners Green Road is a single-track lane, trying to cope with two-way traffic, as it merges with South View Road. The grass verge on the junction is used by cars to pass each other. Putting a formalised footpath on this verge would limit the passing opportunity, creating a more hazardous situation.

l) Paragraph 3.2 is inaccurate when it states that there is acceptable visibility at the Balaclava Lane access point. This is a dangerous blind bend and has seen several accidents

over the past few years. Children on bicycles, pets and pedestrians have all come to grief here. In addition, there is no street lighting. The council waste department did comment at the original application that there was no proper turning facility for dust carts, and thus for ambulances, fire engines and septic tank vehicles.

LEGAL CONSIDERATIONS

a) The Appeal cites caselaw examples in an attempt to encourage the Inspectorate to ignore the protections afforded by the NPPF 2019, especially with regard to AONB and development boundaries. **The Appeal claims that too much weight has been given to the protections afforded by the NPPF 2019. We believe this is on thin ground.**

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

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

b) The Appeal trivialises the relevance of the emerging Wadhurst Neighbourhood Plan.

Paragraph 6.34 states that ‘The WNP is at such an early stage (of preparation) that it is not appropriate to afford it any weight’.

However, contrary to this dismissive attitude, the government website is clear (<https://www.gov.uk/guidance/neighbourhood-planning-2>). The government website gives clear information on the weight which should be accorded to emerging neighbourhood plans. It states;

‘An emerging neighbourhood plan is likely to be a material consideration in many cases. Paragraph 48 of the revised National Planning Policy Framework sets out that weight may be given to relevant policies in emerging plans in decision taking. Factors to consider include the stage of preparation of the plan and the extent to which there are unresolved objections to the relevant policies’.

c) The Appeal emphasises the need for Wealden District Council to meet its targets (throughout sections 4,5 &6). However, the proposal of 5 self builds does not make any significant contribution to achieving the housing numbers required.

d) The Appeal highlights that fact that Wealden does not have a 5-year land supply (7.1 9.5). However, on this point, the government website clearly states that;

‘Where the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites, decision makers may be able to give weight to relevant policies in the emerging neighbourhood plan’.

Given this, it is unreasonable to say that the Wadhurst Neighbourhood Plan should be afforded no weight. It is in advanced stages of preparation, and is awaiting the Reg 14 consultation process. This is scheduled for May 2021.

AMENITIES

Quoting the Manual for Streets (2009), **the Appeal states that the amenities in Wadhurst can be ‘comfortably accessed on foot’ (6.28), and mentions the ‘quality of the walking experience’ (6.29).** It is misleading to state that all amenities are within 800 metres of the site (6.30). That is not the case. There is one shop (with limited choice), opposite the primary school. Indeed, The Designated Conservation Area (2017), which borders the south side of the primary school, is described as a ‘considerable distance’ from the proposed site (see <https://www.wealden.gov/UploadedFiles/CA-2017-Wadhurst.pdf>).

The centre of the village is even further away (2 km), and involves a sometimes-hazardous walk without street lighting on poorly surfaced roads and paths. The walk to Wadhurst station is 2.4 km, and not 800 metres as quoted in the Appeal. Three Oaks Lane is a dangerous pedestrian route with many pot holes, no street lighting, and ditches on either side of a very narrow single-track lane.

Indeed, throughout the Appeal, there are numerous misleading comments about the position of the site, and the local amenities. Paragraphs 2.5 states; ‘there is a connecting bus service between the train station and Sparrows Green’ In fact there is no connecting bus service between the station and Sparrows Green. The nearest 254 bus stop is at the War Memorial, Station Road, which is not in Sparrows Green.

Paragraph 2.5 goes on to say; ‘There is a secondary school approximately 1 km from the appeal site in South Wadhurst’. In fact, the secondary school is 1.9 km from the appeal site (source Google Maps via B2099).

Paragraph 2.6 states; ‘The PROW links Turners Green to Three Oaks Lane, which links to the train station, providing an approximately 1.2 km (0.8 mile) route to the train station’. In fact, the walking distance to the train station via Three Oaks Lane is 2.0 km (source Google maps). There is no paved footpath along this route. It is a hazardous pedestrian route with pot holes, broken tarmac, no street lighting, and ditches either side of a very narrow single-track lane.

Paragraph 8.4 states; ‘With nearby bus stops too, the site would clearly offer choice of transport modes’. In fact, there are no bus stops near to the proposed site. The nearest 254 bus stop is at the War Memorial, Station Road, 1km from the appeal site. This is not in Sparrows Green and is on route to the centre of the village.

All things considered the choice of local amenities and transport links leave a lot to be desired, and amenities are not as close to the site as has been suggested. Given the above, it is fair to say that the hub of the village centre, and the amenities are, in all practical likelihood, a car ride away from the site. This is unsustainable.

CONCLUSIONS

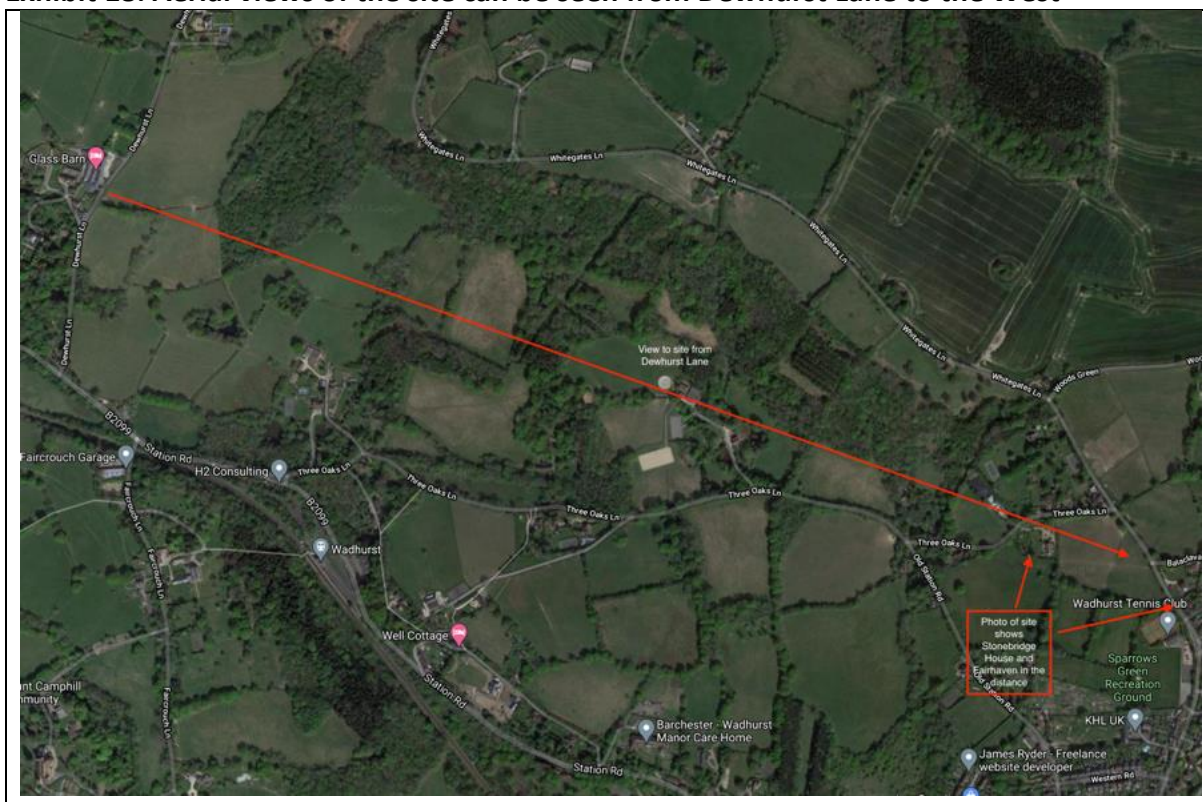
We would strongly urge the Inspectorate to visit the site, and see the landscape and the facts for what they are, and not as the Appeal chooses to present them.

In our opinion, the Senior Planning Officer and Wealden District Council were right to reject the original application. We believe this Appeal should also be strongly refused. Overall, the Appeal document is misleading, and factually incorrect in many of its arguments. This diminishes its credibility and reduces the weight which should be afforded to it.

The above arguments demonstrate that it can be unambiguously demonstrated that the proposed development is not economically, socially nor environmentally sustainable; as is required by paragraph 8 of the NPPF 2019.

Paragraph 9.8 of the Appeal document concludes by saying that ‘the site has been sensitively designed to ensure a minimal landscape impact’, and ‘the site would nestle neatly into the existing settlement pattern’. This is complete nonsense. The site is perched on the top of the high ridge AONB, in the middle of open countryside, and commands views from 2 miles away (see Exhibits 18 below and 19 overleaf). From the west, the site can be seen, nestled between Stonebridge House and Fairhaven – the green field that can be seen would become “Suburbiton-in-the-High-Weald” an eyesore that could be seen for miles around.

Exhibit 18: Aerial views of the site can be seen from Dewhurst Lane to the West



Source: Google maps aerial view of the site and its surrounds

Exhibit 19: Views of the site can be seen from Dewhurst Lane to the West



Source: Photo by Dr S. Miller taken on 28 March 2021

It is unavoidable that it would appear as a suburban housing estate, in the open and exposed high ridge part of the AONB landscape, and thus part of a landscape with high landscape sensitivity. The height of the site means that any development would be very obvious from the wider landscape, and would be very distinct amongst the cherished views in the area. The proposals fail completely to preserve the landscape character of the Area of Outstanding Natural Beauty, and contradict the great weight which should be afforded to the protection of the AONB's. We therefore respectfully request that the Appeal proposal is rejected.

5th April 2021

In alphabetical order:

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Dr Samantha Faircloth

Catherine Goodier

Peter Kirby

Philippa Kirby

Sara Miller

Dr Steve Miller

Elizabeth Newall

Roderick Newall

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