

RESPONSE TO
THE APPEAL FROM
THE LITTLE WOLD
(FORMERLY
ARDENVALE)
OBJECTORS
STEERING GROUP



View of the proposed development site from
Lealands Close

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Objection to the Appeal against refusal of planning permission for WD/2021/2568/MAJ

Little Wold (formerly known as Ardenvale) Objectors Steering Group comprising:

Peter and Theresa Bell of Ayttons, 1 Birchden Cottages, Eridge Road, Groombridge, TN3 9NJ

Robin and Gilly Cameron Cooper of Fotheringhay, Station Road, Groombridge TN3 9NB

Guy and Claire Orridge of Heys Garth Station Road Groombridge TN3 9NB

Colin and Janice Spratt of 1 Lealands Close, Groombridge, TN3 9ND

Andrew and Nikki Sturgeon of 3 Lealands Close, Groombridge, TN3 9ND

Peter and Mary Symes of Forest Way, Station Road, Groombridge TN3 9NG

We the above residents are against the appeal as the Little Wold (formerly known as Ardenvale) Objectors Steering Group ('the Group').

INTRODUCTION

The Village

- 1.1 Groombridge falls within the High Weald Area of Outstanding Natural Beauty (AONB). The county boundary between Kent and East Sussex runs along the river Grom between the old part and the new part. Old Groombridge is designated as a conservation area and is within the Tunbridge Wells Borough Council (TWBC) area and the 'newer part' in which the development site is situated is within the Wealden District Council (the Council) area.
- 1.2 The newer part of the village was built primarily to house railway workers and displaced agricultural labourers. The village nestles into the folds of the natural landscape. To quote from the 1998 Wealden Plan¹ 'there is a tightly knit older core around Station Road and Corseley Road, whilst to the south there are a number of more extensive estate developments'. The 1998 Plan² goes on to say 'Station Road and the former railway line east of Corseley Road both form well defined boundaries on the eastern side of the village, beyond which development would encroach into open countryside. Station Road past the railway bridge is a ribbon development with the development boundary close on either side'.
- 1.3 After the station was closed in 1985 the brownfield land which comprised the railway yard was developed and the development, Newton Willows was completed in 1992. It is comprised of 1,2,3 and 4 bedroom houses and one 5

¹ Adopted Wealden Local Plan 1998 19.14.4

² Adopted Wealden Local Plan 1998 19.14.9

bedroom. It is centrally placed in the village between the cricket field and the steam railway, a tourist attraction.

- 1.4 There are 601 houses in New Groombridge (122 in Old Groombridge). A review of the Council tax bands shows that 35 % of the houses in new Groombridge are in the bands A to D. (See Appendix 1)³. If the development goes ahead Little Wold, will be demolished is in Band F. There are 46 houses that are 'deleted' for Council tax purposes suggesting a property is derelict or unfit for occupation or is being reconstructed. This suggests there is flexibility in housing availability in Groombridge at present and the settlement of Groombridge is not an area of severe need as stated in paragraph 6.3.15 of the appellant's document.
- 1.5 The village has excellent amenities including the community owned post office, the bakery (popular with residents in the village and surrounding villages) and a convenience store as well Primary School, village hall and Church. The village is well served by outside public spaces including Recreation Ground and children's playground (recently upgraded), a Cricket Club, Bowls Club, The Tanyard Sports Pitch, Tennis Club, Forest Way Country Park (biking, walking, and riding), Harrison Rocks (walking and climbing) and the Broadwater RSPB reserve. There is a wide network of footpaths around the village including through Groombridge Place and Burrswood as well as national cycle routes.
- 1.6 Road access to the village is largely by country lane. There is one B road, Withyham Road but all the other roads accessing the village are unclassified and in places single track. There is a 9-ton limit on the humpback railway bridge in Station Road.

Transport Links

- 1.7 The village does have an hourly bus service which goes from Crawley in the West and the centre of Tunbridge Wells in the East, but the service is less frequent at weekends and evenings. In paragraph 2.1.4 of the appellant's case, they give distances and walking times to reach the bus stops at the bottom of Station Road suggesting by implication that it is an easy walk with few obstacles.
- 1.8 The distance is at least 800 metres from Back Lane⁴ behind Little Wold. Walking from that location, which is not in the middle of the site, would take 8 minutes downhill to the bus stop and some 10 minutes plus on the return journey. Walking down the road from the end of Back Lane by Holly Cottage to allow for the length of the access road would take an average of 9.20 minutes. At least 240 metres has no pedestrian pavement and there are normally cars parked along the road affecting vision. On one occasion at 10.00 am, 21 items of traffic, including vans, tractors and trailer and cars passed a pedestrian during a timed walk to the bus stop. There is limited street lighting. Returning uphill takes at least a minute longer and carrying any shopping would increase the

³ www.tax.service.gov.uk 'check and challenge your Council tax band: The Thomson Directory 1993-94 (for postcodes): Google Maps as accessed on 29 March 2023

⁴ Withyham Footpath 32 – a BOAT

time. There is also a blind humpback bridge with no pavement over which pedestrians must cross.

- 1.9 In the Catts Hill appeal in Rotherfield⁵ TN6 3NL (Appendix 2) the Inspector said of a similar albeit marginally longer hilly route that future occupiers would have 'some travel choice' as with Groombridge. Some facilities such as local shops might be within walking distance but as with Catts Hill 'the walk to reach them would be precarious' along the road, as is the case in Groombridge. It would not be convenient for the elderly or disabled or those with children. Back Lane could be used but that and the southern PROW are rural uneven paths with no lighting. To reach good shopping facilities, schools, or work means residents must travel out of the village. Buses do not go to Crowborough (6.2 km) or West Station Tunbridge Wells (4.5 km) where the main supermarkets are located. Residents are unlikely to want to walk in inclement weather. Therefore, residents will be relying on private cars or deliveries for most of their day-to-day needs - the least sustainable option.
- 1.10 The appellant refers to the site 'being more or less flat' in 2.2.4. The land starts at a higher point than the rest of the village which is situated at between 50 and 60 m above sea level. The field starts at 65 m and rises to 69 m so whilst the field is more or less flat, it sits above the rest of the village. This information is lacking in the documents submitted by the appellant (please see Figure 1 of Appendix 3 to this document). 2.2.4 goes on to describe the proximity of the site to existing development. Along the majority of Back Lane, the site is divided from the byway by gardens belonging to the nearest houses in Lealands Close, not buildings. There are no trappings of settlement such as street lighting or pavements along Back Lane. The Group suggests that because of these long gardens and rural nature of Back Lane there is no increase in 'the sense of adjacent settlement'.

Planning History

- 1.11 The site has never been found suitable for planning both pre the AONB in 1983 and post that date. In the 2017 SHELAA the site was discounted for the reasons usefully set out in paragraph 4.3.1 of the appellant's appeal. It is suggested in paragraph 4.3.2 that this is only a 'high level' examination. However, the substandard width of Station Road remains the same and is unable to be remedied as properties abut the road on either side. Appendix 6 illustrates the narrowness of Station Road. The land is AONB which, as discussed later, will be harmed.

⁵ APP/C1435/W/21/3288314

PRINCIPAL GROUNDS OF OBJECTION

The Group supports the Wealden District Council's heads of objection but has additional facts and arguments it wishes to put before the Inspector.

Five Year Housing Land Supply

- 2.1 Whilst there is a shortfall in housing supply in Wealden on the numbers as they stand the Government has recently announced that housing targets will no longer be compulsory. The Group argues that this is a highly relevant policy change and should be taken into account by the Inspector when considering the weight if any given to the appellant's argument contained in paragraph 6.2.
- 2.2 Over 50% of Wealden is within the AONB. Paragraph 176 of the NPPF makes it clear that great weight should be given to conserving and enhancing the AONB, which this proposal does not do as will be shown later. In light of the changing emphasis on housing targets even with the lack of an up-to-date planning policy, the importance of not causing harm to the AONB outweighs the presumption of sustainable development and falls under NPPF 11 (d) (i). This is in line with the conclusion drawn by the Inspector in paragraph 27 of the recent appeal at Catts Hill Rotherfield TN6 3NL which can be found at Appendix 2.
- 2.3 Further this conclusion is in line with the judgement in *Monkhill Ltd v SSHCLG* [2021] EWCA Civ 74 (the Monkhill Judgement). It is the contention of The Group that building on this site would cause significant harm to the AONB and be in breach of the policies of the Framework. Therefore, in this case the tilted balance is not applicable. The appellant suggests that the *Bampton Abbots* appeal⁶ is applicable but it is the Group's contention that this does not help the appellant at all as each case must be judged on its own merits and the site in the *Bampton Abbots* appeal is very different from this site. The Inspector in paragraph 10 of the *Bampton Abbots* appeal described the site as being centrally located with dwellings on three of the hard edges which is not the case on this site.

Building beyond the Development Boundary

- 3.1 It is agreed that the site is situated outside the village development boundary running along Back Lane to the north of the proposed site. The saved policies⁷ GD2 and DC 17 make it clear that development beyond these should be resisted unless it is in accordance with specific policies in the plan. The appellant seeks to remove the impact of this important policy by suggesting 'it is out of date and restrictive and therefore needs to be ignored'.
- 3.2 Wealden Core Strategy makes the purpose of development boundaries clear. To quote 'they enable a clear distinction to be made between settlements (towns and villages) where certain forms of development may be appropriate or

⁶ Appellant Appendix 6

⁷ Adopted Wealden Plan 1998

encouraged and smaller settlements and rural areas where protection of the countryside would usually take precedence’.

- 3.3 The development boundary in Groombridge has been retained for a considerable time along with some 13 other villages. Wealden has only protected a few of the 114 villages in this manner. Groombridge is also within the AONB, and this provides a higher level of protection.
- 3.4 This policy of restricting development in rural areas and particularly AONB is clearly supported in the recently published 2022 Wealden Landscape Character Assessment⁸ which states the following ‘Infill development or the expansion of existing settlements is likely to lead to the loss of open agricultural land and woodland reducing the rural character of landscapes immediately adjacent to these areas. It goes on to say, ‘new or extended development also risks the urbanisation of rural villages.’ Development on the proposed site would be urbanisation of a rural village that nestles within the natural folds of the land and does not, as presently built, undermine any of the intrinsic features of the AONB. The Group also refers to the Catts Hill appeal (Appendix 2) in which great weight was attached to this principle.
- 3.5 The developer refers to screening from a hedge. This is overgrown and has had minimal maintenance for several years, causing it to be extremely thin in places and therefore it has limited effect as a screen. It is also not a permanent screen and could at any time be removed or die. It divides a medieval landscape of small irregular fields. There is evidence that Back Lane was originally a drovers lane from Birchden to the smithy, which was on the site of Bridge Cottage, Back Lane. In any event Back Lane is an ancient byway and any development affecting it, (including crossing it) will be in direct contradiction to the Council saved policies GD2 and DC 17.

Impact on the AONB and Rural Landscape

Whether the proposal comprises major development in the AONB

- 4.1 The Group does not agree with the appellant or the Council and believes that this is a major development. The appellant relies on the number of houses being insignificant to the overall number of houses in the village. Whilst it is a low number in relation to the whole village it is more than 10 houses (normally regarded as major⁹). In addition, creating an access to the site (including demolition of a house) and digging foundations for 21 new houses and associated infrastructure (e.g. roads etc) will necessitate significant earthworks.
- 4.2 Footnote 60 to paragraph 176 and 177 of the NPPF applies and states the following ‘*For the purposes of paragraphs 176 and 177, whether a proposal is*

⁸ Wealden Appeal Submission Appendix 4

⁹ Annex 2 Glossary National Policy Framework 2021

'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.' The Group argues the scale of the development means it is a major development for these purposes.

- 4.3 To access the site, the appellant will have to demolish a four-bed family home built only about 40 years ago. A deep gully will need to be constructed on Little Wold land between 1 Lealands Close and Skillywidden on Station Road to provide access to the proposed green field site. This is likely to instigate the Party Wall Act 1996 as the earthworks will be within 6 m of both houses and it is the right of householders to have their foundations protected. Whilst this is not strictly a planning point it is evident that constructing this access close to adjacent properties will mean that the sides of the access will need civil engineering work to ensure that neither of the two adjacent properties have any subsidence. It is therefore a development with significant earthworks and engineering challenges just to construct the access.
- 4.4 Creating a steeply inclined access road to the site could result in a need for serious infrastructure to avoid flooding. The appellant must also ensure that the ancient woodland, Ayttons Wood to the south of the site is not flooded by surface water. The site rises in the middle as the appellant accepts in paragraph 2.2.4. At present Back Lane becomes a stream every time there is heavy or persistent rainfall. A housing estate with hard standing in place of a green field site could cause serious flooding issues particularly as the land slopes towards Back Lane from the centre ridge. At the moment the rainwater stream on Back Lane flows into a drain just before the footbridge to avoid flooding the railway line and causing damage to the embankment. Without serious consideration of and building of suitable drainage it is likely the water will run down the access road as well and without open land to absorb water cause additional flooding in Back Lane. Therefore, there is the issue of further earthworks for storm drains.
- 4.5 Demolishing the house will create a high carbon footprint which the Group submits is an indicator both that the development is major and that there is possible harm to the AONB. The combination of excavating an access road and demolishing a house does not maintain the status quo of a village within an AONB, therefore there can be said to be harm.
- 4.6 The earthworks and engineering challenges to provide 21 houses in an unsuitable location are significant and weigh heavily in the consideration of whether this is a major development.
- 4.7 If it is decided that the development is not a 'major development', it is submitted that applying paragraphs 174 and 176 of NPPF result in a clear reason for refusing permission under 11(d)(i) and the tilted balance is disapplied.

Harm to the AONB

- 5.1 In the Monkhill Judgement it was stated that 'whether or not there is harm to the AONB will depend on the exercise of planning judgement in the circumstances of the individual case'. It is the contention of this response to the appeal that there is harm to the AONB in several ways which individually and taken as a whole amount to such harm that the appeal should be refused.
- 5.2 The Group endorses the Council submission that the proposed development will result in the loss of the existing medieval fieldscape. The emerging Wealden planning policy will be informed by the 2022 Landscape Character Assessment Plan (LCA). It describes the AONB as 'A distinctive field pattern of small irregular fields, predominantly medieval in origin, which are a defining component of the character of the High Weald AONB. These are often derived from assarting (formed from cleared areas of woodland)'. Claire Tester on behalf of the High Weald Authority¹⁰ states that '..maps show that the main application site is bounded to the north and south by historic routeways, now public rights of way'. Therefore, any building on this ancient site will fundamentally change the site from rural to urban and by that cause harm to the delicate balance that is the AONB.
- 5.3 It is interesting that the Amended Landscape and Visual Impact Assessment posted on the Wealden Planning Portal in July 2022 did not refer to the emerging LCA that was published in May 2022. It is the Group's contention that in deciding this appeal the Inspector should be aware of the Council's emerging plans which will inform the future planning policy. One of the suggested Landscape Guidelines in the LCA is that the policy should 'protect and manage the existing hedgerow network, and plan for the restoration of, and linkages between, hedgerows, including establishing hedgerow oaks, to maintain habitat corridors and to retain the medieval field pattern typical of the High Weald...'¹¹
- 5.4 The present use of the fields for grazing horses is completely in keeping with the descriptions above. The addition of footpaths and the use of the land for recreational space and a proposed sports pitch does not fit in with the original use of the land either as ancient woodland or later as a pattern of irregular fields for agriculture. Therefore, it does damage this recognised historic landscape which High Weald AONB was set up to preserve in 1983.
- 5.5 The Group has calculated from the information provided in the appellant's documents that the houses will dominate the skyline. The height of the land was raised by the High Weald AONB Unit¹² as an issue (referred to later in paragraph 7.2 of this document). As stated previously the proposed site is situated 65 to 69 metres above sea level and is higher than the rest of the village most of

¹⁰ Council appeal submission Appendix 5

¹¹ Section 6A LCA 2022

¹²Council appeal submission Appendix 2

which sits between 50 to 60 metres above sea level. The Group refer the Inspector to the appellant's July 2022 Amended Landscape and Visual Impact Statement figure 6 (Viewpoint Location Plan). The contour markings in tan are clearly visible in this extract from an OS map. These show that to the West of the site across the railway houses have been built at 58 metres, and to the North of the site in Lealands Close houses sit between 60 and 65 metres (the land rises to Little Wold). Back Lane sits lower than the houses in Lealands Close. The height differential from 60 to 65 metres could be argued to be minimal. However, the site rises from 63 metres in the NW corner to 66 metres where building plots 18 and 19 are proposed. It rises again to 69 metres at the highest point in the SE of the site. From the plans submitted the tallest houses will be 9.95 metres to the ridge height making those houses approximately 79 metres above sea level at their roof ridge (see Appendix 3 for a selection of views). They will be considerably higher than the lowest point of the nearest houses in Lealands Close and even higher than those in Lynwood on the West side of the railway cutting. This will cause significant harm to the AONB and therefore the appeal should be refused on this ground.

- 5.6 The development would be visible from several properties, paths and roads in the surrounding AONB (see Appendix 3 for a selection of photographs of views). High Weald AONB is known for its long vistas and anything that dominates the landscape does not enhance or conserve the landscape for which this AONB is valued. It will cause significant harm and therefore the appeal should be refused on this ground.
- 5.7 Back Lane, the southern footpath, the school, and some properties will be overshadowed by the urbanisation of the site adversely affecting the rural nature (Appendix 3). Visibility and overshadowing will cause significant harm to the AONB and therefore the appeal should be refused on these grounds.
- 5.8 Paragraph 8.5.1 of the appellant's case sets out the grounds on which the appellant believes that the crossing of the Byway causes no negative impact and is safe. The Group agrees with the Council that the provision of a vehicle access road to the site across Back Lane would completely alter the character of this well-used rural path and damage the tranquillity of the ancient byway. In Figure 3.11 in the 2022 Landscape Character Assessment shows the surrounding area of Groombridge to have shades of green showing a high level of tranquillity – Back Lane is on the edge and although well used and valued it is a peaceful and safe access and egress to the village from Birchden. Further the LCA has suggested these landscape guidelines for the future in Wealden:
- 'Maintain the historic network of routeways, ensuring new roads or 'upgrades' take account of their rural context and avoid over-engineered features and/or the introduction of lighting into dark areas..' and
 - 'Maintain the strong scenic qualities of the landscape and its sense of remoteness, tranquillity, and experience of dark skies'.

- 5.9 In a letter dated 10 June 2022 in the original documentation¹³ the Footpaths officer at ESCC stated 'I feel unable to withdraw my objection on the basis that the application stands to have a net negative impact on the amenity of the byway' (i.e. Back Lane). The Group believes that this objection holds great weight in consideration of the impact of the byway crossing.
- 5.10 The Group would like to draw the Inspector's attention to the safety aspects of the crossing of the byway which are contained in the ancillary points at paragraph 7.3 of this document.
- 5.11 At present the site has no lighting and a lighting level of 0.25 – 0.5 NanoWatts/cm²/srs¹⁴. This suggests that the houses in Lealands Close, Station Road and Back Lane as well as Bridge Cottage and the houses along Corseley Road, Lynwood and the Primary School cause little if any light pollution. It is proposed that the site should have street lighting and there will also be overspill from the properties and gardens on the site both of which will cause light pollution. Street lighting is minimum in the village, mainly at junctions and turned off at midnight.
- 5.12 The level of light at night in the centre of Groombridge is only 0.5 – 1.0 NanoWatts/cm²/srs which is commensurate with the rural nature of the village and the minimum street lighting. There is no lighting on Back Lane. Whilst the dark skies policy EN29 (which deals with light pollution and detrimental impact on dark skies) was not given as a specific reason in the reasons for refusal, EN6 is about conservation and natural beauty of the landscape. Pollution by light directly harms the natural beauty of the landscape because of the AONB status as a Dark Skies area.
- 5.13 The Council has previously refused planning permission in Groombridge outside the development boundary because of harm to Dark Skies. The Council refused permission for floodlights at Groombridge Tennis Club (to be switched off at 9 pm) which was upheld at appeal.¹⁵ See Appendix 4. The appeal was dismissed on the one ground - the detrimental effect of the tennis court lighting on the character and appearance of the area, including the High Weald AONB. Little Wold development will have a far greater effect on the character and appearance of this dark skies area of Groombridge and the AONB.
- 5.14 The weight given to the preservation of Dark Skies should be substantial. A simple review of the High Weald AONB website and a search for Dark Skies finds this statement 'The unusually dark skies over the High Weald AONB have been identified as worthy of conservation by the International Dark Sky Association (IDSA). However light pollution is rapidly increasing, and our dark skies may not exist for much longer'¹⁶. The AONB is consulting for its new management plan. In the emerging plan the website states that 'Dark Skies is now its own key component of the High Weald's natural beauty and will be reflected as such in the (*future*) Management Plan, with objectives and actions for preserving our

¹³ Consultee response from ESCC Rights of Way (Footpaths) dated 10.6.22

¹⁴ 2022 Wealden Landscape Character Assessment Figure 3.12

¹⁵ APP/C1435/W/21/3287830

¹⁶ <https://www.highweald.org/look-after/dark-skies.html>

dark skies¹⁷. Any additional lighting will damage that objective and therefore harm the AONB. The appeal should be dismissed because of the damage to the Dark Skies.

- 5.15 The Council's own saved policies EN1, EN6 and EN27 support the objective that development should only be permitted if it conserves or enhances the natural beauty and character of the landscape. Siting, scale, layout and design of a proposed development all count. EN27 concentrates on the local distinctiveness of the development. The proposed site is a field that has never had any development, neither has Back Lane been crossed by any access roads or paths and anything that damages or changes this status quo should be regarded as damaging the historic pattern of this landscape. Putting an urban development together with the proposed ponds, recreational area and street lighting is a complete change of use and wholly inappropriate in a landscape dependent on its natural and long-standing balance.
- 5.16 The small vanity variations between the proposed house designs do not detract from the fact this is an identikit urban housing estate. The small variations do not follow the spirit of the High Weald Development guide in that the colour, size and look of the houses are not sensitively designed. Neither does the proposed development have regard to the historic setting of High Weald or the present tranquil and dark skies area served only by rural footpaths between the two edges of the village, Station Road and Corseley Road. Michael Gove, Secretary of State for Levelling Up, Housing and the Communities recently said when blocking a similar development in Cranbrook, Kent that the homes are of a 'generic suburban nature'.¹⁸ The Group argues that this proposal has the same failings. This aligns with the conclusion of the Inspector in the Catts Hill case attached at Appendix 2. This appeal likewise should be refused.
- 5.17 The proposed development will significantly damage and harm the tranquillity of this rural area. This is not enhancement or conservation of the AONB and is a reason for dismissal of the appeal.
- 5.18 In 7.4.2 the appellant states that the site is 'adjacent to the existing built-up area'. It is not adjacent. Adjacent means 'very near, next to or touching'¹⁹. There are no buildings to the south or west of the site. The west of the site is bordered by a steam railway line and the north by Back Lane, an ancient byway, or the gardens belonging to houses in Lealands Close.
- 5.19 In 7.4.5 the appellant 'strongly disagrees' that the proposal is out of keeping with the intrinsic rural character of the area. The field is close to Ayttons Wood, an ancient woodland. The irregular fields and the use of the field for grazing is very much within the character of the area. The character of the area is rural, with dark skies and is medieval in origin. Any modern building would be out of character. Building 21 houses in concrete, wood, and steel together with tarmac roads and lighting is not within the ordinary meaning of rural. It is urbanisation

¹⁷ <https://www.highweald.org/news/2448-results-of-our-aonb-management-plan-survey.html>

¹⁸ The Times Newspaper, Saturday 15 April 2023 page 12.

¹⁹ Cambridge Dictionary: <https://dictionary.cambridge.org/dictionary/english/adjacent>

of a series of medieval fields and a breach of the AONB. The appeal should be refused.

National Policy Framework (2021)

- 6.1 The Group supports the Council response to the appeal.
- 6.2 Without wishing to add to the length of this response the Group puts all the above issues as not in line with the appropriate paragraphs of the NPPF. These are paragraphs 126, 130, 134, 174 and 176.
- 6.3 The Council has recently given permission for development outside the development boundary in Groombridge. However, each permission has been for properties repurposing old agricultural buildings or for minor infill. Two examples are listed below and both have been of ecologically sound design.

The list is as follows:

WD/2020/2519/F

WD/2022/0002/F

Other Matters

For the sake of completeness, the Group would like to put forward alternatives to the matters introduced by the Appellant in their appeal document.

High Weald AONB Unit

- 7.1 This unit did express concerns about the height of the field in relation to the rest of the village²⁰. To quote from the High Weald AONB Unit 'This is a very elevated site and the applicant's LVIA should be scrutinised by a qualified Landscape Architect to ensure that the development will be as visually contained as the LVIA suggests'²¹. The lack of any 3D visual plan or a proper landscape architect's opinion on the response from the AONB unit is a serious consideration which the appellant has failed to address. The Group refers the Inspector to Appendix 3.

Highways

- 7.2 In 8.3.1 the appellant has stated that ESSCC Highways raised no objection and highways matters did not form part of the reason for refusal. The Group accepts that road safety concerns did not form part of the reasons for refusal, but the Councillors did express concern about the safety of crossing Back Lane at the meeting in July and discussion did take place about this. The appellant has raised this in 8.3.1, therefore the Group has submitted further evidence acquired

²⁰ Wealden DC response Appendix 5

²¹ Wealden DC response Appendix 2

after the decision of the Planning Committee which the Group were unable to present to the July 2022 Planning Committee prior to the meeting at which the decision was made for the reasons set out in 7.3 below.

- 7.3 East Sussex Council Highways (ESCH) were against the development on road safety grounds until an email sent on 9 May 2022 which was posted on the Council website on 30 June 2022 in which they stated 'The applicant has undertaken a Stage 1 Road Safety Audit. The auditors noted issues related to the BOAT/byway and telegraph pole, noting the solution will be for bollards, removal of vegetation, and a relocated telegraph pole. This is considered acceptable'. As this change of position by ESCH was only posted 15 working days before the Council planning meeting (21 July 2022) the Group did not have time to brief their own expert and submit a report to the Council. The Group subsequently did brief a planning expert, Intermodal Transport, who raised concerns about some of the sight lines as can be seen at Appendix 5.1 paragraph 10. It is submitted that the safety of all users of the byway should be taken into consideration. Consideration of safety of frequent users, walkers and cyclists do not seem to have been addressed. Horses are rarely ridden on the byway and do so at a walk, therefore it is unclear why equestrian sight lines were used. Horses are visible over the height of the existing hedges, cyclists and pedestrians are not. Cyclists tend to travel at a faster speed. See Appendix 5.1 paragraphs 14 and 15. As can be seen from Appendix 5.2 the dense foliage in summer months has a significant impact on visibility. The aerial photos in Appendix 5.2 taken by a drone highlight the narrowness of the byway. Please also see appendix 6 for photographs of regular traffic issues in Station Road.

Flood Risk and Drainage.

- 7.4 There remains a disagreement about the drainage to the site into a ditch (paragraphs 8.4.1. and 8.4.2 of the appellant's document) and whether the ditch is on private land. The Group refer the Inspector to the letters received in respect of the original application from the householder. The Group supports the householder. The points about the overflow water in Back Lane are dealt with in paragraph 4.4 of this document.

Public Rights of Way.

- 7.5 In paragraph 8.5 of the appellant's document it is suggested that the new footpaths across the proposed site 'would offset any impact that the new access road across Back Lane would have'. This is not correct. The Group is extremely concerned about the safety of the new access road crossing Back Lane. Back Lane is used as a safe access to the village by a variety of users, including elderly, disabled, mobility scooter users, children and cyclists. A random count on a Saturday showed over 100 users of Back Lane using the route as safe access to the village rather than walking down a very narrow part of Station Road without pavements. Weaving through the site on the proposed new footpaths will not help any of these users as it will considerably lengthen the journey in distance and time. Therefore the safety concerns remain paramount and are not offset.

Sustainable Development

Economic Considerations.

- 8.1 These are not strictly planning considerations. Groombridge is described as a service centre in the 1998 Wealden Plan. The majority of places of work, purchases made, and a great deal of recreation takes place outside the village. The development is unlikely to be of much economic value to the village. It is likely to increase the level of traffic and delivery vans on the substandard Station Road.
- 8.2 In 9.3.1 it is suggested by the appellant that the vitality of the local community will be enhanced by creating a strong vibrant and healthy community. The Group has serious concerns that the detached position of the proposed urban development will not enable it to easily integrate into the already lively and vibrant community that is Groombridge.
- 8.3 In 9.3.2 the statement that the development will improve public access to the countryside is unsubstantiated. Groombridge has a well-defined easily accessible network of PROW's which already connect all parts of the village to the beautiful AONB countryside in which it nestles.

Proposed Football Pitch.

- 8.4 The appellant has placed much emphasis in paragraphs 9.3.3, 9.3.4, 9.3.5 and 9.3.6 on the provision of a football pitch to the Primary School. There are several barriers to this proposal. The email at Appendix 7 of the appellant's case was written by a temporary head who is no longer at the school and the developers do not appear to have taken this any further. A permanent head has now been appointed.
- 8.5 The proposed junior sports pitch is an undefined single pitch with no changing or toilet facilities or parking for parents and no easy access for emergency vehicles. It will not comply with the Disability Act 2010. It will not be suitable for disabled pupils, disabled teachers, or disabled teaching assistants. If children need to use the toilet it will cause a problem. The children have full use of The Tanyard which has two pitches, a purpose built changing and toilet facility and car parking. The walk to and from the Tanyard with the children serves a warm up and a warm down and parents can and do meet their children there at the end of a session. The school is also invited to take part in the management committee of the Tanyard and has influence over what is needed. The school financially contributes to the Tanyard. The school does occasionally use the facilities of the Tennis Club which is adjacent to the Tanyard.
- 8.6 Finally, Figure 9.3 of the appellant case is slightly misleading. A bridge can be seen in the picture which was a bridge repurposed from another station a long while ago. It has 18 steps at a 45-degree angle (a 100% slope) going down and 18 at the same angle going up, 36 in all that would have to be negotiated safely by small children. Please see Appendix 7 for photographs illustrating this. There

could be health and safety considerations in crossing the bridge. This proposal is impracticable for all the above reasons.

School numbers.

- 8.7 Groombridge St Thomas Church of England Primary School is going through the same fall in numbers in its lower years as all primary schools in the area. The fall is primarily due to the demographics of the age groups affected – lack of children born and being born. There is no guarantee that families with primary school age children will buy the proposed houses.

Environmental Considerations.

- 8.8 In 9.4.1 the appellant suggests that the contribution to the local SANG will in some way mitigate the proximity to the Ashdown Forest Special Protection Area. However, the only SANG in the area is south of Crowborough – Walshes Park is about a 20-minute drive from Groombridge. The closest car park in the Ashdown Forest takes about 11 minutes from the village. The development is likely to increase the use of the Ashdown Forest.
- 8.9 In 9.4.5 the appellant describes the AONB as ‘washing over’ the settlement as a whole and then suggests that the site is less prominent than other areas around the Groombridge development boundary. The height of the site and its prominence has been dealt with in detail in paragraphs 5.5, 5.6 and 5.7 and appendix 3. Because the site is on higher ground than other roads and houses in the village it is a very sensitive site. It not a natural extension of the village and the development will not nestle into the natural folds of the landscape. High Weald AONB Unit raised the issues of the lack of a landscape architects’ assessment and suggested that one should be obtained but the appellant has failed to do this and made unsubstantiated claims.

Sewage.

- 8.10 Wealden District Council agreed to hold Southern Water to account for sewage issues. In the local and national news, the issue of sewage disposal has been very much to the fore. There have been increasing incidents of sewage being released into the river Grom which feeds the Medway. A local angling group has been monitoring the pollution over the last year and the results can be found in Appendix 8. The sewage system has clearly reached capacity in Groombridge. All the houses above Birchden Corner, in Station Road and in Eridge Road are reliant on their own sewage system and are not on main drains.

The Planning Balance

- 9.1 The appellant has gone to considerable lengths in section 11 to try to show that the planning balance has been tilted and that the proposed development should go ahead as there is limited harm, huge need in the village and district and therefore all the checks and balances in place to preserve the integrity of the High Weald AONB should be ignored. However, it is the contention of the Group

that this is an urban estate added to a rural village that has not been thought suitable for further development since the area became an AONB 40 years ago.

- 9.2 The Group argument is simple. The tilted balance does not apply in this case because the weight of the harmful effects of the development on the AONB give a clear reason for refusing the development. This view is supported in Monkhill to quote:

in striking the balance the decision-maker will have in mind the need to protect the AONB and to limit the scale and extent of development within it. In doing this, the decision-maker will have to exercise planning judgment. The application of the policy necessarily involves a balancing exercise in which any harmful effects of the proposed development on the AONB are given due weight, having regard to what the policy says, and any benefits of the proposal are set against them, leading to a conclusion, as a matter of planning judgment, on whether there is a "clear reason for refusing the development proposed".

- 9.3 It is submitted that this appeal should be refused for the many clear reasons set out in this document.

The Little Wold (formerly Ardenvale) Objectors Steering Group

Council Tax Analysis	New'	Groombridge			Bands	A' to 'H'				
Number	A	B	C	D	E	F	G	H	Deleted	
601	5	25	84	95	67	94	182	3	46	
%	0.83	4.16	13.98	15.8	11.15	15.64	30.29	0.5	7.65	
Cum. %	0.83	4.99	18.97	34.77	45.92	61.56	91.85	92.35	100	
Council Tax Analysis	Old'	Groombridge			Bands	A' to 'H'				
Number	A	B	C	D	E	F	G	H	Deleted	
114	4	2	19	8	11	8	21	7	34	
%	3.5	1.76	16.67	7.02	9.65	7.02	18.42	6.14	29.82	
Cum.%	3.5	5.26	21.93	28.95	38.6	45.62	64.04	70.18	100	
TOTAL715	9	27	103	103	78	102	203	10	80	
NB The relatively large number of properties deemed 'deleted' in 'Old' Groombridge, is a result of re-developments at Burrswood										
Properties are categorised as 'Deleted' for Council Tax purposes if "... (the) property is derelict and unfit for occupation or it is being reconstructed. This means that no Council Tax would be paid until the property is made habitable										
Sources :-										
1)www.tax.service.gov.uk 'Check and challenge your council tax band'										
2)The Thomson Directory 1993-94 (for post codes)										
3) Google Maps										



Appeal Decision

Site visit made on 7 November 2022

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2022

Appeal Ref: APP/C1435/W/21/3288314

Land North of Catts Hill, Bletchinglye Lane, Town Row, Rotherfield, TN6 3NL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Richard Skelley of Denton Homes Ltd against the decision of Wealden District Council.
 - The application Ref WD/2020/1691/O, dated 5 February 2021, was refused by notice dated 28 June 2021.
 - The development proposed is erection of four X 3-bed dwellings and two X 4-bed dwellings accessed off Catts Hill together with parking and landscaping.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline with approval being sought for access only. Matters relating to layout, appearance, scale and landscaping have been reserved. I have dealt with the appeal on this basis, treating the positioning of dwellings as shown on the 'existing and proposed location plan' as indicative only.
3. A revised version of the National Planning Policy Framework (the Framework) has been published since the planning application was determined by the Council. I have had regard to the revised Framework in reaching my decision.
4. The Council have advised that the emerging Local Plan has been withdrawn. I, therefore, have not had regard to that Plan or any evidence base relating to that Plan in reaching my decision.
5. The Council's decision notice hosts two refusal reasons. However, reason for refusal two acknowledges and identifies those documents that were considered in the Council's decision making process. It is not a reason for refusal as such.
6. The appellant has submitted other plans with the appeal. However, I have no substantive evidence before me that these plans have been considered by the Council or commented upon by interested parties. I have therefore not taken the plans into account in reaching my decision.

Main Issues

7. The main issues in this case are: -
- a) Whether the site is a suitable location for the proposed development, having regard to the spatial strategy of the development plan; and
 - b) The effect of the proposed development upon the rural character and appearance of the area and the landscape quality of the High Weald Area of Outstanding Natural Beauty (the AONB).

Reasons

Location

8. Wealden Local Plan (the Local Plan) has defined its built-up area boundary. Policies GD2 and DC17 resist new housing development in the countryside unless it is in accordance with specific policies in the Plan. The location of the site is beyond the defined built-up area boundaries and is in the countryside. Therefore, the appeal site would not be an appropriate location for new dwellings, and this brings the proposal into conflict with the spatial strategy of the development plan. However, the Council does not have a five-year supply of housing sites in place. Having regard to paragraph 11 of the Framework, this reduces the weight that can be attributed to these policies.
9. Town Row is not recognised within the Core Strategy's Settlement Hierarchy and being a sustainable settlement. Such unrecognised settlements are those with few or no facilities and services, and where further development would be unsustainable.
10. The appeal site is located approximately 1km beyond any defined development boundary of Rotherfield, where there is a public house, café, church, medical centres, primary and pre-school, village hall, playground and a football club, although there is a shop within 300m of the site. The walking isochrones within the appellant's Transport Statement show Rotherfield to be a 15 to 20 minute walk from the site and the highway route to Rotherfield does not have a continuous lit footpath. The road is busy with fast moving traffic even with the 30mph restriction that is in place. The larger town of Crowborough is approximately 6.5km from the site. That town centre would offer a wide range of services, facilities, employment and education. There is a bus stop directly adjacent to the site which would offer public transport to access towns in the wider area. It would take around 17 minutes to cycle to Crowborough train station, the closest station, approximately 3.8km from the site.
11. The future occupiers would have some travel choice that would not lead to complete dependency on private transport. Whilst some limited day-to-day facilities could be within walking distance, the walk to reach them would be precarious along a road without lit footpaths. This would not be convenient for the elderly or those with children. To reach a range of shopping facilities, education and employment would require travel further afield. Cycling or using buses would allow travel further away but carrying shopping or inclement weather would likely discourage the uptake of these modes of transport. There

are public rights of way in the area, but these are more likely to be used for recreational purposes rather than to access services and facilities. Consequently, given the distance to services and facilities I find that future occupiers would be highly reliant upon private vehicle travel, the least sustainable mode of transport, to access services and facilities to cater for their day-to-day lives.

12. I have been referred to a recent appeal decision at Cuckoo Barn, Land off Douglas Road, Rotherfield. The Council comments that site would be similarly located in terms of proximity to Town Row, but in a different location. The Inspector in that instance determined that the location of that particular appeal was not a specific reason for refusal as that site was within reasonable walking distance of Rotherfield. I accept that the appeal site before me would be within walking distance of some limited day-to-day facilities. However, I have also considered the nature of the walking environment to reach Rotherfield and have not found the route to be acceptable for the occupiers of a larger development of five dwellings.
13. The proposal would conflict with Policies GD2, EN1 and DC17 of the Local Plan, which seek to restrict development outside the development boundaries. Furthermore, the proposal would not reduce the need to travel by car as it would not be concentrating development where it can most closely relate to public transport opportunities.

Character and appearance

14. Policy EN6 of the Local Plan indicates that development will only be permitted if it conserves or enhances the natural beauty and character of the landscape. The Framework indicates that great weight should be given to conserving and enhancing the landscape and scenic beauty in National Parks, the Broads and AONBs, which have the highest status of protection in relation to these issues.
15. The appellant has referred to the Management Plan for the High Weald AONB 2019 to 2024 and comments that this sets out the primary purpose of AONB designation is to conserve and enhance nature's beauty. I have been referred to some of the objectives set out in the Plan that seek to protect the historic pattern and character of settlement and to enhance the architectural quality by ensuring that development reflects the character of the High Weald in its scale, layout and design.
16. There is residential development along Catts Hill, including a recent housing development opposite the site. To the northern side of the road there are areas of interspersed undeveloped land within the road frontage development. The appeal site is an area of open undeveloped land that is rural in character, which forms part of the wider AONB landscape.
17. The development could follow the existing linear form of development and reflect the existing pattern of development along Catts Hill. Nonetheless, developing the site with five dwellings with their domestic curtilages and landscaping would create a development of urbanised appearance and substantially diminish the rural characteristics of the site and its visual contribution to the AONB landscape. The development would appear as an encroachment into the countryside. This would harmfully diminish the intrinsic value, landscape setting and beauty of the countryside. Whilst this would represent only a small incursion into the rural landscape with some open

paddock land remaining around the site, this does not justify the harm arising from the proposed development to the AONB landscape.

18. A Landscape Statement and Strategy accompanies the appeal. The site is almost entirely enclosed by mature trees/vegetation. There is existing vegetation along the road frontage that limits views into the site from street level. The Strategy concludes that with appropriate mitigation by means of implementing a landscape strategy, including supplementary planting, this would enhance the existing landscape character. However, this landscaping would have a domestic managed appearance. Creating a residential frontage would change the character and appearance of the site. Furthermore, the roofs of the development would be visible above road frontage landscaping and the development would be visible via the access. I therefore, do not consider that the development, even with landscaping around and within the development would assimilate successfully into the rural landscape sufficiently to overcome my concerns with relation to the impact upon the AONB landscape.
19. The appellant comments that given the existing structures on site and the fact that the site is grazed, lends support to the site being considered previously developed land (PDL) and a priority for redevelopment. The annex to the Framework clarifies PDL to be land which is or was occupied by a permanent structure, including the curtilage of the land and any associated fixed surface infrastructure. However, I did not observe any structures at the site, other than a stable block that would be outside of the application site. I have not been directed to any history of development at the site and the Council's report to its planning committee does not identify any previous uses or development at the site. On the evidence available to me the site does not appear to have been put to land use to which PDL could be apply.
20. For these reasons, the proposed development would be harmful to the rural character and appearance of the area and the landscape quality of the High Weald Area AONB. The proposal would, therefore, conflict with Policies EN1, EN6 and EN27 of the Local Plan that seek, amongst other matters, development within the AONB to conserve or enhance the natural beauty and character of the landscape.

Other Matter

21. I have been referred to a conjoined appeal at Coldthorn Barn, Coldthorn Lane, Hailsham and other appeals at Land east of Hadlow Down Road, Crowborough and Land south of South Street, East Hoathly in regard to sustainable location, although I note that only the appeal at Crowborough had AONB considerations. Although I have been provided copies of the appeal decisions, I have not been provided the full details of those cases that might enable to me consider what similarity, if any, those proposals would have to that of the case that is before me. The considerations in those appeals may relate to similar matters that have arisen as part of the appeal before me. However, the Council has referred to a number of other appeals in which Inspectors have concluded differently on such matters. Nonetheless, each site is individual, and the considerations will differ. This limits the weight that I can attribute to these appeal decisions.
22. The Council have highlighted that the proposed development could have a negative impact on the Ashdown Forest Special Protection Area and Special Area of Conservation. A Unilateral Undertaking supports the appeal that would

secure mitigation of the European protected site. I have also been referred to two appeal decisions in which the effects of development were considered in regard of the Ashdown Forest conservation objectives. However, given that I am dismissing this appeal for other reasons it has not been necessary for me to consider this matter in any further detail.

Planning Balance

23. The Council advises that it does not have a five-year supply of housing sites in place and, therefore, this reduces the weight that can be applied to those development plan policies that relate to spatial strategy. Paragraph 11 d) of the Framework indicates that where a five-year supply of deliverable housing sites cannot be demonstrated the development should be granted, unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.
24. I have been directed to High Court Judgement (Monkhill Ltd v SSHCLG [2019] EWHC 1993 (Admin)). A point highlighted by the appellant is that the judgement articulates that the *"great weight" attached to the assessed harm to an AONB is capable of being outweighed by the benefits of a proposal, so as to overcome what would otherwise be a reason for refusal*".
25. I have found that the proposal would cause harm to the scenic beauty of the AONB, and this carries great weight and importance given that such landscapes have the highest status of protection. This brings the proposal into conflict with development plan policies and provides a clear reason for refusing the proposed development. Added to this is the conflict with the development plan in terms of future occupiers over reliance on private travel to access services and facilities. This holds substantial weight.
26. There is an acute shortfall in housing land supply within the district. This site would boost the supply of housing and I recognise that small schemes such as this can make a contribution to addressing the lack of housing supply. Therefore, there would be social benefit of providing homes and this benefit holds substantial weight in favour of the proposal. It is also pointed out that over half of Wealden District lies in the AONB and it is advocated that the proposal would support the housing needs of the local communities and rural economy of the AONB, although I have not been directed to any rural enterprises to which the proposal would lend support.
27. Nonetheless, even though the shortfall in HLS is acute, the adverse impacts to the landscape character of the AONB, which holds great weight and provides a clear reason for refusing the proposed development, along with increasing travel by private vehicle, would outweigh the benefits that hold substantial weight when assessed against the policies in the Framework taken as a whole. Consequently, the presumption in favour of sustainable development does not apply.

Conclusion

28. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Having regard to the above findings, the appeal should be dismissed.

Nicola Davies

INSPECTOR

Appendix 3: Various photographs illustrating the harm to the AONB

Figure 1

Scale profile of the NW corner of the site shows how the proposed buildings in plots 19–21 would be above those on the other side of Back Lane and that the site rises from Back Lane. There would be a similar profile at Plots 16-18 farther up Back Lane. Farther east and south of the site, buildings of 9.1 and 9.55m in height would be on higher ground and would blot out the landscape and perspectives to Wealden ridges.

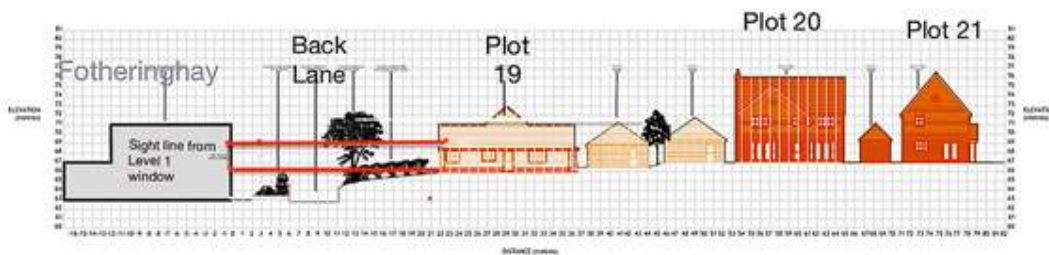
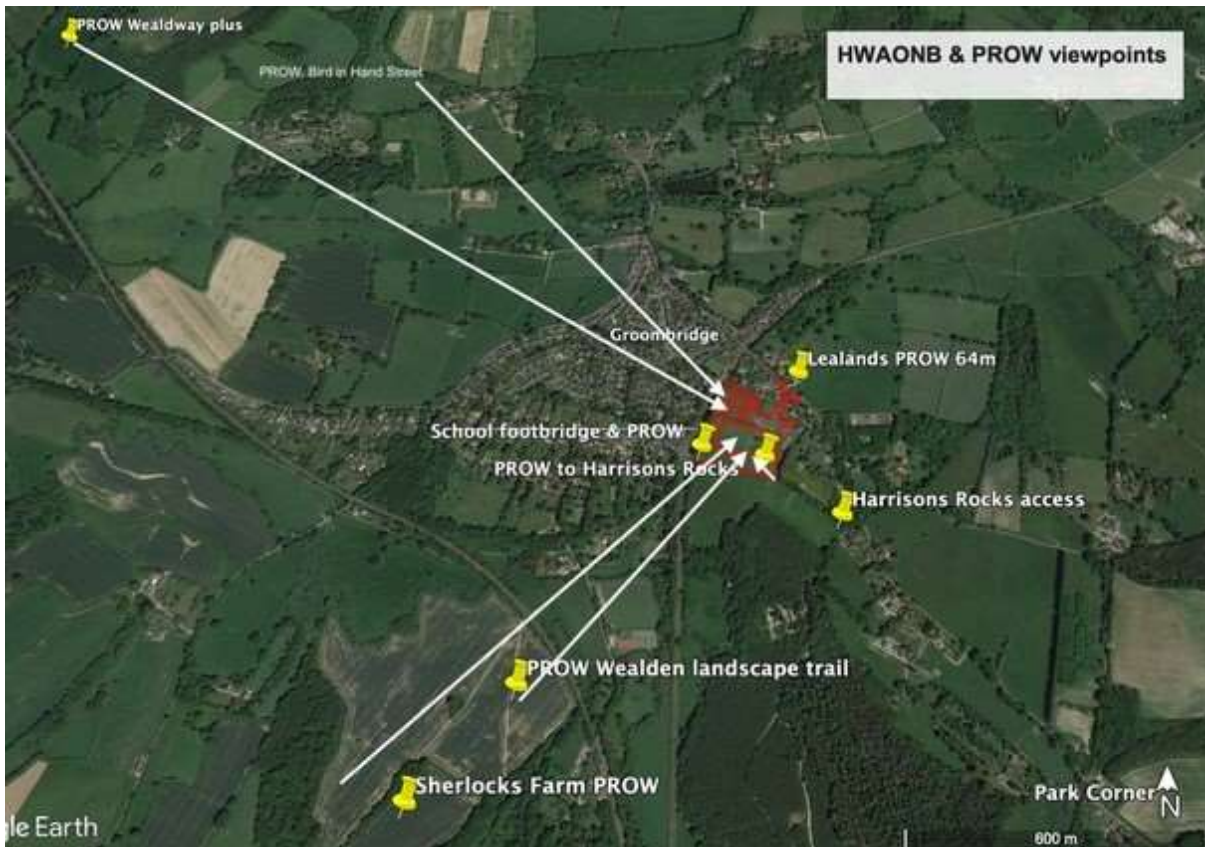


Figure 2.1

This satellite image shows sightlines from the public rights of way around Groombridge, including the Sussex Border Path, Wealden Landscape Trail and Wealdway.



Appendix 3: Various photographs illustrating the harm to the AONB

Figure 2.2

View from footpath off Bird in Hand Street showing visual illustration on the development and existing house Fotheringhay



Figure 3

Looking from the Spa Valley Railway footbridge at Back Lane PROW to the proposed (plots 19-20) using overlay from the submitted plans sketched in to approximate the view.



Appendix 3: Various photographs illustrating the harm to the AONB

Figure 4

This photograph gives an approximate visualisation of the view of the houses from the footbridge by the school leading to the southern footpath using the same technique as Figure 3.



Appendix 3: Various photographs illustrating the harm to the AONB

Figure 5

The present view from the animal gateway on the southern footpath. Three quarters of this field will be filled by the site.



Appendix 3: Various photographs illustrating the harm to the AONB

Figure 6

Taken from the same gateway at a different angle this shows Groombridge Hill/Langton Ridge in the background will be obscured if the development goes ahead. It also illustrates the elevation of the site in relation to the houses in Lealands Close of which only roofs are visible.





Appeal Decision

Site visit made on 10 January 2023

by **C Shearing BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 January 2023

Appeal Ref: APP/C1435/W/21/3287830

**Groombridge Tennis Club, Upper Tanyard, Corseley Road,
Groombridge TN3 9PP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Rebecca Allan of Groombridge Tennis Club against the decision of Wealden District Council.
 - The application Ref WD/2019/2121/F, dated 1 October 2019, was refused by notice dated 28 May 2021.
 - The development proposed is described as 'floodlighting of two tennis courts'.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development proposed on the character and appearance of the area, including the High Weald Area of Outstanding Natural Beauty (AONB).

Reasons

3. The area surrounding the appeal site is distinctly rural in its character, comprising predominantly flat grassland set around a network of streams and water courses and interspersed by trees and hedgerows. The settlement of Groombridge exists further to the north on higher ground. Together these attributes and natural features contribute positively to the landscape character and to the visual distinction between the settlement and the countryside. Based on a 2015 map of light pollution in the UK, the site can be seen as falling within an area of relatively dark skies.
4. Saved Policy EN6 of the Wealden Local Plan 1998 (the WLP) states that development in the High Weald AONB will only be permitted if it conserves or enhances the natural beauty and character of the landscape, and goes on to list matters which should be given particular regard. This aligns with paragraph 176 of the National Planning Policy Framework (the Framework), which states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, among other designations, which have the highest status of protection in relation to these issues.
5. The appeal relates to an established tennis club on the eastern side of Corseley Road, and the proposal would introduce twelve lighting columns to the western side of the tennis courts. The lighting has been designed to reduce light spillage, glow and glare, and include the use of 'box' fittings, limited upward tilt

angles and deflectors to obscure the light source. Although it has been demonstrated that the pool of light would consequently be limited to the area of the tennis courts, the visual effects of such lighting would, nonetheless, be visible from the surrounding area particularly from the nearby public footpaths, adjacent recreation ground and from Corseley Road. The lighting may also be perceivable in private views from the buildings at the edge of Groombridge.

6. The trees surrounding the site would provide some degree of screening, although, based on the findings of my site visit, screening would be limited during winter months, when the lights are most likely to be in use. The mesh screening surrounding parts of the tennis courts would reduce the visibility of the illuminated courts themselves in views from the road, but would not provide screening of all visual effects. Additional evergreen hedging is proposed to the perimeter of the site, however full details of the location and species of such planting have not been provided and I am unable to conclude that these additions would be appropriate to the character of the area, or conclude on the effectiveness of the screening it would provide.
7. The Institute of Lighting Professionals defines AONBs as intrinsically dark (zone E1). The appellant confirms the lighting to adhere to the requirements of zone E2, which relates to areas including villages and relatively dark outer suburban locations. Given this discrepancy I cannot be satisfied that the proposals achieve compliance with those guidelines for AONBs. While this does not form a part of the development plan it nonetheless adds to my concerns relating to the visual effects of the proposal.
8. Taken together, for the above reasons, the proposed lighting would appear prominent in this area of relatively dark sky and would represent the creep of an urbanising feature into this distinctly rural location. While the hours of lighting and use of a timer system could be controlled by the imposition of a planning condition, this harm would nonetheless still occur during the hours of use.
9. The proposal would cause harm to the character and appearance of the area and would neither preserve nor enhance the landscape and scenic beauty of the AONB. As a consequence, it would conflict with saved policies EN1, EN6 and GD2 of the Wealden Local Plan 1998 (the WLP) and spatial planning objective SPO1 of the Wealden District Core Strategy 2013 (WCS) which together seek to enhance and manage the distinct landscapes of the District and support sustainable development. There would also be conflict with the Wealden Design Guide Supplementary Planning Document 2008 which seeks to encourage a high standard of design within the District and which, among other things, states that the introduction of urban elements such as lighting, has a detrimental impact on the area's essential rural character. The proposal would conflict with the objectives of the Framework in respect of AONBs as stated above.
10. Based on the evidence, the proposal would comply with saved Policy EN29 of the WLP, through meeting the technical criteria it specifies for external lighting. However, this is a neutral factor and does not weigh in favour of the proposal.

Other Matters

11. Based on the evidence, the tennis club is a valued local facility used by a range of individuals and community groups including local schools, and it contributes

positively to the health and well being of its users. The proposal would allow the facility to operate for extended periods and allow tennis lessons to continue into winter months, providing a public benefit to its users. The importance of such facilities is widely acknowledged, including within the Council's Health Strategy Plan, and I ascribe this benefit moderate weight, given the size of the facility and number of courts which would benefit from the proposal.

12. Through extending the use of the tennis courts, the proposal would align with the social objective of sustainable development and the aims of paragraph 92 of the Framework which states that decisions should aim to achieve healthy, inclusive and safe places which enable and support healthy lifestyles. However, the Framework should be read as a whole and the objectives to achieving sustainable development, which include an environmental objective, are interdependent and should be pursued in mutually supportive ways. The benefits of the extended hours of use of the tennis courts would not, in this case, outweigh the harm to the character and appearance of the area and the AONB, to which I ascribe substantial weight given the stipulations of the Framework stated above.
13. The evidence refers to other tennis clubs set within AONBs which benefit from flood lighting. Despite this I have not been provided with details of the locations or circumstances of these sites or their lighting, and as such I am unable to conclude that the circumstances of those sites are comparable to the appeal before me. As such these attract limited weight.
14. The appellant refers to planning permission granted in 2021 for a new house immediately adjacent to the appeal site. The Council report that this property benefits from a certificate of lawfulness and as such, the Council were unable to impose conditions on external lighting. Evidence of external lighting at the water works site to the north has also been provided. However, the Council note this to be an old development, and the circumstances of that site are different to the scheme before me, notably because it relates to infrastructure and is set closer to the settlement of Groombridge. There are, therefore, notable differences in both cases to the appeal scheme and I do not consider that any blight resulting from these developments would justify additional harm arising from the appeal scheme.
15. In the determination of the appeal I have had regard to the presumption in favour of sustainable development contained in the WCS (WCS14) and the Framework. As the proposal has been found not to accord with an up to date development plan as a whole, and as the policies in the Framework provide a clear reason for refusing the proposal in any event, the dismissal of the appeal accords to those principles.

Conclusion

16. Although the proposal would comply with part of the development plan, the conflicts are such that the proposal should be regarded as being in conflict with the development plan, when read as a whole.
17. With the above in mind, there are no material considerations, including the approach of the Framework, that are worthy of sufficient weight that would indicate a decision other than in accordance with the development plan. The appeal should therefore be dismissed.

C Shearing

INSPECTOR

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Our Ref: ITL2398_10.10.22

Date: 10th October 2022

Dear Sirs,

Re: Proposed provision of 21 dwellings on land to the west of Station Road, Groombridge, Planning Application Reference: WD/2021/2568/MAJ

Introduction

1 This letter summarises Intermodal Transportation Ltd's (ITL's) review of the highway and transport aspects of planning application reference: WD/2021/2568/MAJ, which relates to the provision of 21 dwellings on land to the west of Station Road, Groombridge. ITL's understanding is that the proposal has recently been refused planning permission but that East Sussex County Council (ESCC) in their capacity as highway authority did not object to the proposal. ITL also understands that the proposed vehicular access arrangements for the scheme have been stage 1 safety audited and that they did not attract notable highway safety comments.

2 **In producing this review I visited the site on 5th October 2022 and walked the local roads and footways including the byway over which the proposed vehicular access for the development would cross. During the site visit I observed pedestrians, a cyclist and horse riders to use parts of the byway.**

3 This review considers the following aspects of the development proposal / submitted TS report:

- Proposed access junction;
- Proposed crossing of byway;
- Accessibility by non-car modes;
- Traffic generation; and
- Proposed parking levels.

Proposed Vehicular Access Arrangements

4 It is understood that the proposed vehicular access arrangements as shown on Motion drawing 2001077-11 Rev I were not objected to by ESCC and additionally that they have not attracted material highway safety comments within an impendent stage 1 road safety audit.

5 However, ITL are of the view that the position of the site access junction, being very close to Lealands Close, is less than ideal from a highway safety perspective and could lead to driver confusion and as a result potential conflicts. The centreline to centreline separation between the proposed access and Lealands Close is only approximately 17m (scaled). The Design Manual for Roads and Bridges no longer includes prescriptive guidance in relation to junction spacing but we would highlight that Figure 3.12 (a) of Manual for Streets, which is indicated to be a design code from a development at Upton in Northampton, indicates that junctions on the same side of the road should be spaced 60m apart. In addition, we are aware that the design requirements of Essex County Council indicate that on local distributor roads junctions on the same side of the road should be spaced 100m apart.

6 Notwithstanding the above, adopting a pragmatic stance we consider that ideally junctions should be spaced no closer than the stopping sight distance for the road, which using the less onerous MfS standards is 43m for a 30mph location, and certainly no closer than the emergency stopping distance for a road, which for a 30mph location is 23m, although designing to the emergency stopping distance would leave little margin for error / comfort margin. It can be seen that the spacing, centreline to centreline between the proposed site access junction and Lealands Close would fall below both of those figures and therefore, as indicated above, we consider that it could lead to driver confusion and as a result potential conflicts. In that regard, in the case of northbound drivers on Station Road we consider that drivers could assume that a vehicle in front indicating left was turning into Lealands Close when in fact it was turning into the site and the sudden unexpected braking could lead to a rear end shunt. The same confusion could occur with southbound vehicles indicating to turn right within the vicinity of Lealands Close and the site access. In addition, we would highlight that if vehicles were waiting at the same time to exit Lealands Close and the study site they would potentially block visibility from the adjacent junction, which would not be desirable from a highway safety perspective.

7 The September 2021 Motion Transport Statement (TS) report for the proposal indicates that the required visibility splays at the site access junction have been calculated with reference to speed surveys. Examination of the speed survey results contained at Appendix A of the TS confirms that 2 speed recording Automatic Traffic Counters (ATCs) were installed on Station Road; the first to the north of the proposed access junction and the second to the south of the proposed junction. The northern counter recorded an 85th percentile southbound speed of 30.6mph, whilst the southern counter recorded an 85th percentile northbound speed of 30.0mph. We note that the surveys were undertaken in January 2021 during lockdown and as such we would question any reliance on the volumetric and classification data recorded. However, National guidance for vehicle speed measurement (CA185) indicates at paragraph 2.5 that “All speed measurements (spot and journey speed) shall be undertaken in free flow conditions ...” and as such we consider that the speed data recorded by the surveys should be regarded as acceptable in principle.

8 We note that Ardenvale Steering Group commissioned a radar speed survey on Station Road in June 2021 and that survey, which involved attaching Speed Detection Radar to a post adjacent to Box Cottage, recorded an 85th percentile southbound speed of 32mph and an 85th percentile northbound speed of 30.0mph. Those speeds are generally consistent with those recorded by the surveys contained within the Motion TS report, albeit that the southbound speed is slightly higher, although that could be due to the location at which the speeds were recorded.

9 If the speeds recorded by the surveys contained within the Motion TS report are regarded to be correct then we would not dispute the visibility splay 'y' distances shown on drawing 2001077-11 Rev I. However, and whilst it is difficult for us to check accurately on a hard copy print of the drawing, it does appear that the point from which the 2.4m 'x' distance has been measured may have been advanced too far in to the carriageway of Station Road. Advancing that point further on the drawing than might be the case in reality would lead to the provision of an 'x' distance below 2.4m once the access junction is constructed and would therefore not be desirable from a highway safety perspective.

10 During my site visit I located the approximate position of the centreline of the proposed vehicular access junction for the development and checked whether the proposed visibility splays from the junction would be achievable. In that regard, I measured the 2.4m 'x' distance from the existing carriageway edge at the position of the proposed centreline and then measured the proposed 'y' distance splays to the left (44m) and right (43m). From my site measurements, if the limit of the adopted highway is in the location shown on Motion drawing 2001077-11 Rev I, i.e. at the existing carriageway edge at the boundary between Box Cottage and Skilly Widden, then it would appear that the 2.4m x 43m visibility splay to the right at the proposed access would oversail land outside of the highway, which may be third party land that the applicant does not control. If the applicant does not control the land in question, and therefore it cannot be relied on for the purposes of visibility, then I would estimate that in order to achieve the required 43m 'x' distance it would be necessary to sight to a point between 1.5m and 1.75m in from the carriageway edge. If the area in front of Box Cottage adjacent to the highway had a vehicle parked on it or vegetation planted in it, blocking visibility, that could mean that a driver emerging from the site access would not have sight of a motorcycle travelling close to the carriageway edge until a point closer to the proposed access than the required 43m visibility splay distance, which would not be desirable from a highway safety perspective.

11 We note that vehicle tracking sketches for a 12m 3 axle refuse vehicle have been submitted by Motion and that the design vehicle utilised would be able to enter / exit the site access with Station Road without overrunning the proposed adjacent footway. However, the body of the design vehicle is shown to oversail the proposed footway adjacent to the access road as the vehicle enters the site. In addition, it is necessary for the vehicle to swing notably across on to the opposing side of Station Road when turning in left to the site. Neither of these occurrences would be ideal from a highway safety perspective.

12 We note that the refuse design vehicle would swing out across the centreline of Station Road when exiting the site left and also would utilise all of the available access width when turning left into the site. However, we acknowledge that MfS and MfS2 indicates that occurrences of that nature by service vehicles are acceptable.

Proposed Crossing of Byway

13 It is noted that the proposed site access road would cross over a byway, which is located to the south of Station Road. It is further noted that the byway forms part of the National Cycle Route 18 and additionally that the byway is open to all vehicles and could therefore be used by cars and motorcycles as well as cycles. Drawing 2001077-11 Rev I shows 2m x 10m 'equestrian' visibility splays at the point that the site access road crosses the byway.

14 However, with reference to Local Transport Note (LTN) 1/20: Cycle Infrastructure Design, ITL consider that the visibility splays proposed at the crossing of the byway would not provide a safe solution. In that regard, Table 5-5 of LTN 1/20 indicates that for a design speed of 20kph a minimum stopping site distance of 17m should be provided, .i.e. approaching twice the level that is shown on drawing 2001077-11 Rev I.

15 Our understanding is that, although the byway is open to all vehicles, due to the geometry within the vicinity of the proposed access road crossing and given that bollards have been placed at locations on the byway cars / vans are unlikely to be using the section near to the proposed access road. However, we understand that the byway is, albeit infrequently, at times utilised by motorcyclists. We consider that greater levels of visibility than are proposed would be required to ensure a safe solution for any motorcyclists using the byway.

Accessibility by Non Car Modes

16 The TS indicates at paragraph 3.10 that there are no dedicated cycle routes within the vicinity of the site. However, as noted above, we would confirm that National Cycle Route 18 runs along the byway that is located between the site and Station Road and which would be crossed by the site access road.

17 Although there are no footways on Station Road within the vicinity of the site, residents of the proposed development would be able to access the available local amenities and nearest bus stops using the aforementioned byway, which connects with footways further northwest.

18 In the context of a village location ITL would not take issue with the accessibility credentials of the proposed development.

Traffic Generation

19 In accordance with industry best practice, Motion have interrogated the TRICS database in order to derive trip rates for the purposes of calculating the likely volumes of vehicular traffic that would be generated by the proposal. Based on their extensive experience of using the TRICS database ITL consider that the trip rates derived by Motion, i.e. 0.570 two way trips per dwelling during the typical weekday AM peak hour and 0.522 two way trips per dwelling during the typical weekday PM peak hour, are of the order expected, albeit that they may be a little on the low side. In that regard, ITL consider that AM and PM vehicular trip rates of 0.6 to 0.7 two way movements per unit for a development in a location such as at the study site would provide a robust assessment but would highlight that, given the number of units proposed, even if the trip rates were increased to the mid-point of that range the additional calculated peak hour traffic levels would not be material. As such, ITL consider that the traffic generation calculations undertaken by Motion should be regarded as acceptable and agree with their conclusion at

paragraph 5.4 of the submitted TS report that junction capacity modelling is not required in conjunction with the proposal.

Proposed Parking Levels

20 The ESCC consultation response dated 6th April 2022 indicates that the proposed parking provision is acceptable in the context of the requirements of their parking calculator. ESCC provided in the order of 3 consultation responses and consistently commented that tandem parking spaces are not desirable. However, within their aforementioned consultation response dated 6th April 2022 ESCC indicated that the proposed tandem arrangements are not considered to impact on the highway and therefore it would be difficult to sustain an objection on that basis. ITL agree that the proposed parking arrangements are only likely to impact on the internal site arrangements and given the distance between the main body of the site and Station Road that they are unlikely to impact on the operation of the public highway.

Summary

21 In summary, ITL do not consider, in the context of the NPPF, that the level of development traffic generated by the proposal would have a severe impact on the operation of the local road network. In addition, ITL consider that the accessibility profile of the proposed development would be acceptable. However, as set out above ITL do have highway safety concerns in relation to the proposed access junction as well as the point at which the proposed access would cross over the byway that is located between the main body of the site and Station Road.

22 We trust that the above is sufficient for your needs, however please do not hesitate to contact me should you have any queries or wish to discuss this matter further.

Yours sincerely,



Justin Bass
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Director of Intermodal Transportation Ltd

Appendix 5.2: Photographs of Back Lane

The following photographs have been included in order to give a visual illustration of the potential safety issues along Back Lane, a rural BOAT.

Figure 1:

Dense foliage in Summer could obscure the view of drivers crossing Back Lane



Appendix 5.2: Photographs of Back Lane

Figure 2 and 3:

The following photographs from a drone illustrate the narrowness of Back Lane

Figure 2



Figure 3



Appendix 6

The following pictures are in stark contrast to Viewpoints 6, 7, 8, 9 and 10 included in the appellant's Amended Landscape and Visual Impact Assessment of July 2022.

Station Road and Lealands Close 2021

Image 1

17th June

Exiting Lealands Close.



Image 2

18th June

White truck heading into village on Station Road forced to pull into Little Wold drive to allow red truck to pass.



Images 3 and 4

21st June

Dustcart heading into village on Station Road just by Little Wold drive and vehicles struggling to pass at top of Station Road between Little Wold drive and exit of Back Lane onto Station Road.



Appendix 6
2022

Image 8

21st May

Station Road looking southeast. Picture taken just by Little Wold entrance.



2023

Images 9 to 11

12th February

Station Road closed just southeast of entrance to Little Wold. Closed by UK Power Networks due to major problem with power supply to 5 or 6 nearby properties.



Appendix 6

Images 12 and 13

24th February

Generator being collected on Station Road and resulting traffic queue. Nearest bin is on edge of existing entrance to Little Wold.



Image 14

9th March

Artic finishing its manoeuvre using Lealands Close to turn round because of weight restriction on bridge on Station Road.



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Appendix 6

Back Lane

2023

Images 15 and 16

23rd February

On Back Lane (BOAT) behind Little Wold and 1 Lealands Close.



Appendix 7 Photographs of the pedestrian bridge from the Primary School to the proposed site

Figure 1

Photograph from the top of the steps looking down the steps illustrating the 45 degree angle and steepness of the steps.



Appendix 7 Photographs of the pedestrian bridge from the Primary School to the proposed site

Figure 2 and 3 show children under 8 going up the steps, both supervised and unsupervised. Note the smaller child holds the hand of the taller child.

Figure 2



Appendix 7 Photographs of the pedestrian bridge from the Primary School to the proposed site

Figure 3:



Appendix 8 Recent information on sewage disposal in Groombridge

Information from the Upper Medway Sewage Action Group who wrote this document and gave permission for its use in this appeal.

Waste water, i.e., sewage, from Groombridge is dealt with at Southern Water's treatment works at South Farm, immediately east of the village. It is pumped there from a pumping station just west of the B2110.

Neither the pumping station nor the waste water treatment works is fit for purpose: they are regularly overwhelmed and fail to function. What this means in practice is that raw sewage is frequently pumped into the river Grom, which joins the river Medway a short distance downstream. The inadequate provision for sewage treatment in Groombridge is therefore directly responsible for polluting the Medway, damaging its ecosystem, and endangering human life.

In numbers (2021)

The waste water pumping station in Groombridge was overloaded on 38 separate occasions. It dumped untreated sewage directly into the Grom for a total of 428 hours. This is the equivalent of dumping untreated sewage into the river for 18 days non-stop.

The Tunbridge Wells South (TWS) waste water treatment works dumped untreated sewage into the Grom 58 times, for a total of 172 hours.

Some sewage made it into the settlement tanks at TWS. From the tanks it was dumped screened but untreated into the river 77 times for a total of 992 hours. This is the equivalent of dumping untreated sewage into the Grom for 41 days.

This means that sewage was dumped into the Grom by Southern Water for the equivalent of at least two months of the year. In other words, for at least a sixth of the year Southern Water is dumping untreated sewage into this very small river.

We say at least because these are only the notified sewage spills and the duration total will be longer as discharges do not start and stop at the same time.

River water quality

Members of the Upper Medway Sewage Action Group have been testing the Grom and the Medway for pollutants since late 2022.

In the group's February report on levels of Ammonia, Nitrate and Phosphate, the Grom consistently tested well above safe levels.

Appendix 8 Recent information on sewage disposal in Groombridge

Phosphate should be between 0.007-0.306ppm, but was measured at between 1.88-2.36ppm; Nitrate should be below 5ppm and was measured at over 20ppm; Ammonia should be below 0.1ppm and was measured at 0.47ppm.

High levels of phosphate and nitrate in the ecosystem will cause Eutrophication.

Relatively low levels of ammonia will kill fish, invertebrates, and wildlife.

At their request, we are now supplying our test results to the Environment Agency.

E-coli

Since February we have also been testing for e-coli in the river Grom. While in all parts of the river catchment we find some e-coli in the water, on the Grom the levels are off the scale: we literally cannot count the number of cultures on our test plates because the entire plates are covered in e-coli cultures.

E-coli comes from the mammalian gut - and on the Grom the main source of it is raw sewage. We can be confident of this because the levels of e-coli shoot up as soon as we tested below Southern Water's sewage outfall.

E-coli can be extremely dangerous for humans, pets and livestock and in this intensity, no river user or animal in the water will be able to avoid it.

Housing and sewage

Adding more houses to the sewage infrastructure in Groombridge will clearly lead to more pollution in the river as the system is far from being capable of coping even with existing waste water. Southern Water has consistently spilled very large quantities of sewage into the Grom over many years. (To verify this, see the Rivers Trust sewage map <https://theriverstrust.org/sewage-map> .) Until the sewage infrastructure is massively improved, adding more households to the sewage system will certainly cause more pollution incidents and damage to the river and its environment.

Dr Stephen Hall and Sarah Butler of the Upper Medway Sewage Action Group.