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# Appeal Decision

Site visit made on 12 November 2024

**by S M Holden BSc (Hons) MSc CEng MICE CTPP FCIHT MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 15<sup>th</sup> November 2024**

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**Appeal Ref: APP/C1435/W/24/3337437**

**Danefield Farm, Eridge Road, Boars Head, Crowborough, East Sussex  
TN6 3HD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
  - The appeal is made by Mr Eddie Kaszuba against the decision of Wealden District Council.
  - The application Ref is WD/2023/2599/PIP.
  - The development proposed is construction of 6 residential dwellings. This includes 2 x 2 bed dwellings, 2 x 3 bed dwellings and 2 x 4 bed dwellings.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The proposal is for permission in principle. The Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has two stages: the first establishes whether a site is suitable in-principle and the second (technical details consent) is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. I have determined the appeal accordingly.
4. Since this application was determined all Areas of Outstanding Natural Beauty (AONBs) have been renamed as National Landscapes. I therefore refer to the High Weald AONB as the High Weald National Landscape in this decision letter.

## Main Issues

5. The main issues are whether the site is suitable for a residential development having regard to its:
  - a) accessibility to services and facilities for future occupants:
  - b) location within the High Weald National Landscape:
  - c) proximity to the ancient woodland of Luxford Shaw.

## Reasons

### *Access to services and facilities*

6. The appeal site is beyond the settlement boundary of Crowborough. It lies some 1.7km from the town centre in an area characterised by sporadic development. For the purposes of planning policy, the appeal site is in the countryside.
7. Policy GD2 of the Wealden Local Plan 1998 (Local Plan) seeks to resist all development beyond settlement boundaries. Policy DC17 of the Local Plan specifically resists residential development in the countryside, although the supporting text sets out a series of exceptional circumstances where housing may be acceptable. However, it has not been suggested that any of these exceptions would apply in this case. Spatial Planning Objective SPO7 of the Core Strategy<sup>1</sup> seeks to reduce the need to travel by car, by concentrating development where there are opportunities to use public transport and to improve the quality of journeys that can be made on foot or by bicycle.
8. The site is both physically and visually separate from the edge of Crowborough. Although there is a footpath into the town centre alongside the A26, it is not continuous. Anyone wishing to walk to the town would have walk up the hill on a narrow and largely unlit footpath and cross the road at the junction of the A26 with Eridge Road before they would reach any of the local facilities. Distance alone would be a significant deterrent to doing so. The National Design Guide advises that to be within a walkable distance local facilities should be within a 10-minute walk, or an 800m radius. The site is more than double this distance from the facilities and services that are available in the town centre. Furthermore, walking adjacent to a busy road with traffic travelling at speeds in the region of 40mph, would not be an attractive alternative to using a car. Neither would cycling be a practical alternative for many journeys. It is therefore highly likely that any future residents would primarily find themselves reliant on use of a car for most of their journeys. There was no evidence presented to satisfy me that this would not be the case. Car journeys, even short ones, are likely to contribute to emissions contrary to Spatial Planning Objective SPO9 which seeks to address climate change by mitigation and adaptation.
9. For all the above reasons, the appeal site would not be a suitable location for a residential development due its location beyond the settlement boundary of Crowborough and too far from services to reduce reliance on the car for future residents. Consequently, the proposal would conflict with the development plan's spatial strategy and the Core Strategy's objectives in respect of accessibility.

### *The High Weald National Landscape*

10. The site is an undeveloped, grassed field adjacent to the house and existing outbuildings associated with Danefield Farm. It lies at the heart of the High Weald National Landscape, an area designated for its landscape and scenic beauty. The National Planning Policy Framework (the Framework) advises that great weight should be given to conserving and enhancing this area as it has the highest status of protection in relation to landscape and scenic beauty.

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<sup>1</sup> Wealden District (Incorporating Part of the South Downs National Park) Core Strategy Local Plan, 2103

11. This part of the High Weald is an area of rolling landscape with elevated ridges incised by gill streams and watercourses, characterised by a patchwork of fields, mixed woodland and ridge top settlements. The site is part of the remnant historic landscape surrounding Crowborough, proximity to which makes the area especially vulnerable to creeping suburbanisation. It is in a prominent position immediately to the west of the A26 and where the land descends steeply towards the north giving extensive and far-reaching views of the open countryside towards the North Downs. The Wealden Landscape and Settlement Character Assessment identified this area as having a high landscape sensitivity and a low landscape capacity for development.
12. In this context the construction of six dwellings on the site would result in the sub-division and loss of an historic field. It would introduce into an unspoilt sensitive landscape; built form, hard surfacing, residential activity, domestic paraphernalia, lighting and the comings and goings from vehicles. The proposal would be an unacceptable encroachment of residential development into the countryside beyond the built-up area of Crowborough. It would also be an alien, urbanising feature that would contribute to the consolidation of the sporadic pattern of development that characterises the area. This would be harmful to the landscape even though it could be screened from public views along the A26. There would be more distant views towards the development from the north and west. The proposal would extend the ribbon development which characterises the northern edge of Crowborough further into the countryside and add to the scattered development in the remainder of the surrounding area. Its effects would be more pronounced and in addition to the recently approved scheme at Danefield Farm to replace the dilapidated outbuildings and sand school with two self-build dwellings.
13. Taking all the above into consideration, I conclude that the proposal would cause significant harm to the landscape and scenic beauty of the High Weald National Landscape. This would conflict with Policy EN6 of the Local Plan, which only permits development in the AONB which would conserve or enhance the natural beauty and character of the landscape. It would also be contrary to the Framework's objective of protecting landscapes of national importance.

#### *Ancient woodland*

14. The north-west corner of the site is close to Luxford Shaw, an area of ancient woodland, defined by the Framework as irreplaceable habitat. The indicative layout shows that the houses would not be within the recommended 15m buffer zone of the wood. However, the garden of at least one potential plot would be, and as a consequence there would be a risk of direct and indirect harm to the habitat arising from human activities close by.
15. Irreplaceable habitats are, by definition, very difficult to restore once destroyed. The Framework therefore advises that development resulting in their deterioration should be refused, unless there are wholly exceptional reasons, and the public benefit would clearly outweigh the harm. Evidence to demonstrate that no harm would be caused could be presented as part of the technical details consent stage, if it was established that the site was suitable in principle for a residential development. However, in the absence of such information, I must apply the precautionary principle which assumes that there would be harm unless there is objective evidence to the contrary.

16. This leads me to conclude that the proposal would be harmful to Luxford Shaw, an area of ancient woodland. The proposal would conflict with Policy EN13 of the Local Plan which resists development that would prejudice the ecology of ancient woodland. It would also fail to accord with the provisions of the Framework to protect irreplaceable habitats.

### **Other Considerations**

17. The Council is unable to demonstrate a five-year supply of deliverable housing sites. The officer's report gives the figure as 3.8 years, a significant shortfall. In these circumstances, paragraph 11 d) of the Framework is engaged. In view of the lack of housing land, conflict with Policies GD2 and DC17 carries only limited weight in my assessment of the proposal.
18. My attention has been drawn to six appeals relating to housing development permitted elsewhere in the district, two of which were in the vicinity of Crowborough. The first of these was in the High Weald National Landscape but, due to the site's proximity to existing built form, the Inspector found no adverse effects on the protected landscape. In the second the Inspector concluded that the benefits from a scheme for 26 dwellings outweighed the very limited harm to the setting of the protected landscape. The remaining four appeals were not only of a different scale to the appeal proposal, ranging from 31-700 dwellings, but also in different parts of the district and not in the High Weald National Landscape. Consequently, none are directly comparable with this appeal, which I have determined on its individual planning merits having regard to the site's specific and unique characteristics.
19. In doing so I have concluded that there would be significant harm to the High Weald National Landscape which provides a clear reason for refusing the development. There is, therefore, no need to refer to the test in paragraph 11 d) ii) of the Framework. Consequently, the presumption in favour of sustainable development does not apply, and the proposal would conflict with Policy WCS14 of the Core Strategy.

### **Planning Balance and Conclusion**

20. Given the shortage of housing supply, there would be social and economic benefits associated with the provision of six dwellings. These benefits carry moderate weight in the planning balance.
21. On the other hand, there would be significant environmental harm arising from the site's location in the High Weald National Landscape and close to the ancient woodland of Luxford Shaw, an irreplaceable habitat. In addition, its location would leave future residents primarily reliant on private transport to access the services and facilities that they need. The moderate benefits of the proposal would not outweigh these significant collective harms. The proposal would conflict with the development plan when considered as a whole.
22. There are no other considerations which indicate that the appeal should be determined other than in accordance with the development plan and for this reason, the appeal is dismissed.

*S M Holden*

INSPECTOR