



Appeal Decisions

Site visit made on 11 December 2024

by David Smith BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th January 2025

Appeal A - Ref: APP/C1435/W/24/3343258

Bewl Water, Bewlbridge Lane, Wadhurst, TN3 8JH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Elite Leisure (Salomons UK Ltd) against the decision of Wealden District Council.
 - The application Ref is WD/2023/1895/MAJ.
 - The development proposed is a campsite for up to 80 pitches and for the erection of a portacabin between the months of April and September.
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Appeal B - Ref: APP/C1435/W/24/3343260

Bewl Water, Bewlbridge Lane, Wadhurst, TN3 8JH

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 - The appeal is made by Elite Leisure (Salomons UK Ltd) against the decision of Wealden District Council.
 - The application Ref is WD/2023/2424/FR.
 - The development proposed is the erection of four yurts (two retrospective and two proposed) and retention of portacabin (toilet and wash facility) for year-round occupation.
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Decisions

Appeal A - Ref: APP/C1435/W/24/3343258

1. The appeal is allowed and planning permission is granted for a campsite for up to 80 pitches and for the erection of a portacabin between the months of May and September at Bewl Water, Bewlbridge Lane, Wadhurst, TN3 8JH in accordance with the terms of the application, Ref WD/2023/1895/MAJ, subject to the conditions in the attached schedule.

Appeal B - Ref: APP/C1435/W/24/3343260

2. The appeal is allowed and planning permission is granted for the erection of four yurts (two retrospective and two proposed) and retention of portacabin (toilet and wash facility) at Bewl Water, Bewlbridge Lane, Wadhurst, TN3 8JH in accordance with the terms of the application, Ref WD/2023/2424/FR, subject to the conditions in the attached schedule.

Preliminary Matters

3. A revised National Planning Policy Framework was published in December 2024. Its provisions in relation to these appeals are substantially unchanged.

4. The appellant indicates a willingness to accept a condition to limit the occupation of the yurts from the beginning of April to the end of September in line with the camping use proposed. Appeal B will be considered on that basis.
5. The criteria in the Planning Inspectorate's guidance for determining these appeals by written representations are met. They can therefore be decided by this method and neither a hearing nor an inquiry is required.

Main Issues

6. For both appeals these are the effect on the landscape and scenic beauty of the High Weald National Landscape and on biodiversity with particular reference to winter roosting common and black-headed gulls.

Reasons

7. Bewl Water was created in the mid-1970s and is a reservoir that is open to the public and provides leisure opportunities to walkers, cyclists, swimmers, anglers and sailors. The activities available include walking and bike trails and water sports including stand up paddle-boarding, windsurfing, rowing, canoeing and sailing, as well as fishing, an Aqua Park and a laser challenge zone. There is a visitor centre containing a café, a multi-use space, toilets and office. It attracts around 140,000 day visits each year and is open from 0800 to 1700 hours every day.
8. There is an extensive planning history but of particular significance as material considerations are the appeal decisions relating to 58 earth lodges (dismissed – APP/C1435/W/18/3217263), conversion of the fishing lodge to 4 tourist units (allowed - APP/C1435/W/22/3294192) and, most recently, extensions and alterations to the boat house to create 11 tourist units (dismissed - APP/C1435/W/24/3336886). In 2020 temporary planning permission was given for 3 years for the use of the Appeal A site as a campsite for up to 80 pitches between May and September.
9. The appeals sites are on the northern side of the reservoir and set back from the shoreline. Appeal A is for a permanent permission for camping use for 80 pitches from April to September on three separate parcels of land or zones and includes an existing car park. Two of the yurts proposed are already in situ on Zone C and two further yurts are proposed next to them. Both appeals include a small toilet and shower block which is positioned at the lower end of Zone C. In assessing their impact, it is relevant that a temporary use of land, such as camping, could take place on the Appeal A site for 28 days in any calendar year without restriction.

High Weald National Landscape

10. In addition to the statutory duty at section 85 of the Countryside and Rights of Way Act 2000, the Framework provides that great weight should be given to conserving and enhancing landscape and scenic beauty in National Landscapes. Policy EN6 of the Wealden Local Plan has similar objectives and also indicates that particular regard will be had to certain considerations. Policy WAD1 of the Wadhurst Neighbourhood Plan refers to development in the countryside being strictly controlled in the interests of conserving the nationally important landscape, tranquillity and distinctive character of the High Weald National Landscape. This policy also mentions the High Weald Management Plan.

11. This National Landscape is an area of ancient countryside and one of the best surviving medieval landscapes in northern Europe. Key characteristics are its ridges and valleys clothed with an intricate mosaic of small fields interspersed with farmsteads and surrounded by hedges and abundant woods arranged around a network of historic routeways. The East Sussex Landscape Character Assessment of 2016 evaluates the Bewl Water Area as a largely unspoilt and tranquil rural landscape with few intrusions. The reservoir has become an established natural and recreational feature.
12. Footnote 67 of the Framework confirms that whether a proposal is 'major development' for the purposes of paragraphs 190 and 191 is a matter for the decision maker. The nature of the proposed camping use is that it would not take place all year round and the yurts would be small in scale. Furthermore, the setting of the sites is within an extensive area with a leisure and recreational function. Without pre-judging the matter, the proposals would not have a significant adverse impact on the purposes for which the area has been defined and therefore do not constitute 'major development'.
13. The appeal sites are mainly grassed, sloping areas divided by internal access roads and enclosed by hedging and fencing. There are some trees within them and on their periphery and a block of ancient woodland to the south. The existing parking area included in Appeal A would be used by those staying in Zone C. There are fields to the north on the other side of Bewlbridge Lane but to the east and west are the buildings, parking and boat storage areas associated with the leisure and recreational activities. Whilst the undeveloped areas add some value by virtue of being open, the sites contribute little to the wider identified attributes of the High Weald.
14. In assessing the landscape and visual impact of the proposals it is notable that the tents, campervans, vehicles and other manifestations of the use would only be present for part of the year. They would also be likely to fluctuate from day-to-day or week-to-week. Two of the zones were previously lawfully used for boat storage. The yurts are and would be modest in size. With this in mind, the implications for the wider landscape would be limited as the proposals would be a minor component of the overall scene and enclosed from the lake by intervening woodland.
15. Because of this, long-distance views of the proposed use and the yurts would not be possible. They would, however, be seen from within the Bewl Water site but this would be by visitors for whom the sight of colourful tents, campervans and associated paraphernalia would not be unexpected. These are often found in the countryside and would not be urbanising. Furthermore, the context is set by the other buildings and uses that are present. The sites are not within an area of pristine countryside where development would be likely to be more apparent. Overall, the proposals would not be intrusive and would not spoil the landscape or visual qualities of the National Landscape.
16. Although not referred to in the statutory duty or the Framework, the Neighbourhood Plan refers to the tranquillity of the area. Policy WAD13 seeks to protect quiet recreation. Given the visitor opening hours, the expanse of water and the limited development around its periphery, this is a particular trait of the area during the evenings and at night. Bewl Water is also noted for its dark skies and is said to function as an amphitheatre so that noise carries over the water. Introducing overnight accommodation has the potential to

- create noise and light. This could be, for example, from the inter-actions of campers, or music, from vehicle movements or from illumination required for camping, torchlight or headlights.
17. The camping use has been in operation since 2021. Two of the yurts have also been occupied during this time. One of the requirements of the temporary permission was to operate the use in accordance with a Noise Management Plan. Furthermore, there was a requirement to submit monitoring details of complaints before the start of the second camping season. This was done and found to be satisfactory as it demonstrated that the campsite was being appropriately managed. Environmental health records show that there have been no complaints about noise since 2021.
 18. Nevertheless, this may not be the whole story and there is evidence of noisy episodes associated with the campsite. A revised Noise Management Plan is included and compliance with it could be required by condition. The Plan contains various rules and policies, such as no noise after 2200 hours and no large groups and give details of steps to be taken to resolve and log any incidents. Overnight security staff will be in place to monitor campers and enforce the rules when necessary.
 19. It is nonetheless unrealistic to expect that the activities of those staying at the proposed campsite or in the yurts would be completely silent after dark. There may well be isolated incidents when the rules are flouted as staff on site cannot prevent them before they happen. However, the balance of evidence points to a conclusion that adequate safeguards would be in place and that the scale of any noise would not be so great as to detract from the overall tranquillity of the surroundings after day visitors have left.
 20. Neighbourhood Plan Policies WAD13 and WAD16 protect dark skies and Policy WAD16 aims to reduce light pollution. The main likelihood of this occurring would be limited to the few hours of darkness before the 'curfew' starts. Any impact would therefore be modest in the general scheme of things. Furthermore, some of the lights would be likely to be transitory and fleeting rather than fixed in location. No proposals are included for permanent lighting but details could be covered by condition to ensure that any required are low level, hooded and directional in line with Policy WAD16 . The Framework refers to limiting the impact of light pollution on intrinsically dark landscapes rather than precluding artificial light altogether. This aspect of the landscape and scenic beauty of the High Weald would therefore not be prejudiced.
 21. In the boat house appeal, the Inspector concluded that it had not been sufficiently demonstrated that the proposed measures would be effective in protecting the dark skies of the High Weald. However, that scheme can be distinguished from these proposals as the resulting building would have been used year-round, including the months when darkness descends earlier.
 22. If the appeal sites were not used for camping, they could, in theory, be used for informal recreation by day visitors. However, there is no evidence that this occurred in the past and over half of the land in Appeal A was previously used for boat storage. Furthermore, as the camping use would not be permanent there would be no loss of open space as the land would remain undeveloped. The area taken up by the yurts would be very small and would not preclude the future use of the remainder of Zone C for other purposes.

23. The appellant has assessed the proposals against all of the objectives of the Management Plan. Many of these are high level. Others have been or will be addressed. However, what can be said is that the proposals have had regard to them as far as they are relevant and as required by Policy WAD1.
24. The overall effect on the landscape and scenic beauty of the High Weald National Landscape would be acceptable and no harm would be caused to other important aspects of this designated area. As a result, there would be no conflict with relevant policies.

Biodiversity

25. The Framework establishes that the conservation and enhancement of wildlife is an important issue in National Landscapes. It also seeks to minimise impacts on and provide net gains for biodiversity. Core Strategy Policy WCS12 has similar general themes and Local Plan Policy EN15 refers to nature conservation interests. Policy WAD13 of the Neighbourhood Plan expects tourism related proposals in the Bewl Water Reservoir area to protect nature conservation and biodiversity. There is widespread popular support for the protection of Bewl Water as a Local Wildlife Site as evidenced by the petition of over 80,000 signatures which calls for a halt to development.
26. As the largest area of open water in Sussex and the South-East, Bewl Water is extremely important for large numbers of waders and wildfowl during the winter. In particular, black-headed and common gulls have both exceeded 20,000 individuals recently. Other counts have recorded higher numbers. These species are now on the red list of birds of conservation concern. The evidence refers to the likelihood of sudden and unexpected noise events leading to disturbance causing the gulls to take flight from feeding and roosting with the potential for abandonment of the site. Given the lack of alternatives within easy flying distance, this would be damaging to these species as well as depriving Bewl Water of their presence.
27. The independent ecological consultant commissioned by the Parish Council observes that Bewl Water is of national and potentially international importance for roosting gulls. The largest number of them using it as a refuge are seen between December and February. Neither the campsite nor the yurts would be occupied at this time. However, it is noted that some gulls begin to roost overnight at the site as early as August and some may linger into April, particularly in bad weather. There is also scope for disturbance to be caused as the sun goes down before the noise 'cut-off' of 2200 hours in the Noise Management Plan.
28. The preferred area for the gulls to roost is about 300-400m south of the northern shoreline of the reservoir. As a result, there is a chance that increased night-time noise, lights and the general presence of people could deter gulls from frequenting this area. There can be no absolute guarantee that this would not occur as a result of the proposals, despite the safeguards that would be put in place and the fact that the campsite and yurts are away from the shore. The consultant's view is that *frequent* [my emphasis] evening disturbances to birds attempting to roost at Bewl, particularly in the autumn, could deter birds from returning and gathering in larger numbers in the winter.
29. In resolving this matter, it is relevant that the campsite use has operated since 2021. There is no evidence that bird activities have been affected during this

time despite the occasional reported problems with noise. Occupancy rates of the campsite have been well below capacity and could theoretically increase. Equally, there is no indication that they would and the potentially critical month of September is outside the main holiday season. Nevertheless, it would be prudent to limit occupation to commence on 1 May in line with the temporary permission and to take account of birds lingering into April. On this basis, no objection is raised on this ground.

30. Natural England are considering a proposal to designate Bewl Water as a Site of Special Scientific Interest, Special Protection Area and Ramsar site but these appeals decisions are made on the basis of the present circumstances.
31. The use of the appeal sites themselves would have no direct effect on existing habitats and a 15m wide buffer is included to separate them from the ancient woodland. The Framework establishes that development resulting in the loss or deterioration of irreplaceable habitats such as ancient woodland should be refused. The proposals would bring people and their dogs close to these areas but visitors can already move around them and there is no clear evidence that the camping use to date has led to any degradation.
32. The trees surrounding the sites that may provide habitats for birds and dormice would be retained and the potential of them to house bats is low. Any permanent lighting could be controlled by condition.
33. Consequently, wildlife interests would be conserved and the impact on biodiversity minimised in line with relevant policies.

Other Matters

34. Local Plan Policy TM4 strongly resists new holiday villages in the High Weald Area of Outstanding Natural Beauty (now National Landscape). The Local Plan does not define 'holiday village' but the Inspector in the earth lodges appeal found that the proposal would be contrary to that policy. However, the proposals are not the same. The 58 lodges would have been permanent and two storeys in height. The holiday uses proposed would also only take place over certain months of the year. Furthermore, whilst there are existing activities and facilities available at Bewl Water they are not so extensive as to meet all the needs of staying visitors. As a result, the proposals would not create a "holiday village" and so there would be no conflict with Policy TM4.
35. It is understandable that there is concern about considering these proposals in isolation and not in conjunction with other proposed or mooted developments at Bewl Water. Whilst the impact of the proposed camping use and of the yurts have been considered together, these decisions can only consider those proposals. In the absence of a clear masterplan for Bewl Water supported by development plan policies, they have to be assessed in their own right.
36. Nevertheless, the outcomes of these appeals should not be regarded as a 'stepping stone' to any future developments. Overnight accommodation at Bewl Water has already been accepted as part of the fishing lodge appeal and no objections in this respect were raised in the boat house appeal. However, the acceptance of seasonal camping and occupation of four yurts should not be taken as setting a precedent for further tourism-related uses.
37. Policy WAD13 of the Neighbourhood Plan supports such development provided, amongst other things, it promotes on-water activity of varying kinds. By

enabling people to stay at the site it might be said that this would be indirectly encouraged. However, strictly speaking, there would be a conflict with the wording of this policy. Indeed, there is concern that in recent times sailing activity has declined.

38. The previous boat storage use on the site of Appeal A has already ceased and there are no development plan policies that give priority to one form of recreational or leisure use over another at Bewl Water. The Inspector in the fishing lodge appeal found that there would not be a harmful loss of accommodation that contributes to water-based activities. The planning system cannot control leasing or land ownership arrangements and so there can be no objection on the basis that the proposals would prevent sailing.
39. As well as the proposed portacabin, toilet and shower facilities are available at the boat house building and also the visitor centre. It may not be particularly convenient to access these in the dark but the adequacy of such provision is covered by other legislation. Any safety aspects associated with visitors accessing the water's edge are matters of responsible on-site management.
40. Internal arrangements would be made for vehicles and they would use the main access for entry and exit. The existing access onto Bewlbridge Lane would be closed except in an emergency. This would facilitate safe movement into and out of the site and there is no objection from the highway authority.
41. Bewl Water is an important part of the region's tourist industry and beneficial to the economy. By allowing further overnight accommodation, visitor spend in the area might be expected to increase although this has not been quantified. Other options exist nearby so it is not obvious that the proposal would fill a major 'gap' in provision. However, adding to the supply favours the proposals to a modest degree. The proposal would also increase opportunities for people to enjoy, appreciate and understand the character of the National Landscape in line with the Management Plan.
42. The sites are outside the 7km buffer zone of the Ashdown Forest Special Protection Area and therefore there be no likely significant effect on its features of interest. The heathland habitat of the Special Area of Conservation is vulnerable to atmospheric pollution. However, the quantum of growth proposed is within the limits agreed by Natural England and so there would be no adverse impact on the integrity of this habitats site.

Conditions

43. The plans should be specified in the interests of certainty. Several conditions are required to ensure that the campsite and the occupation of the yurts conserves the National Landscape and protects biodiversity and the ancient woodland. These limit the uses to the summer months, require adherence to the Noise Management Plan, expect pre-arrival information about the sensitivity of the site to be distributed, prevent camping within the 15m wide buffer and require details of any lighting to be provided.
44. To ensure that the site functions safely, the parking areas should be retained and the flow and movement of traffic should be as intended. Because of the location of the site, controls over caravans on site A and restricting permitted development rights for camping and caravan sites on surrounding land controlled by the appellant are justified. Restrictions on the occupation of the

yurts and maintaining a register are also necessary to ensure they are used as proposed. The erection of additional holiday accommodation would require planning permission and so a condition precluding this is unnecessary.

Conclusion

45. The effect of the proposals on the landscape and scenic beauty of the High Weald National Landscape would be acceptable and wildlife interests would be conserved and the impact on biodiversity minimised. As they would not directly promote water-based activities there would be a conflict with Neighbourhood Plan Policy WAD13. However, the proposals would accord with the development plan as a whole and there are no material considerations to outweigh this finding. Therefore, for the reasons given, the appeals should succeed.

David Smith

INSPECTOR

SCHEDULE OF CONDITIONS

Appeal A - Ref: APP/C1435/W/24/3343258

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos 56012/PL.01.03, 56012/PL.02.02, 56012/PL.03.02 and 9509-01B.
- 3) The Countryside Code and Ancient Woodland Guide which accompanied the application, regarding the conservation and use of the site and surrounding countryside, including protection of ancient woodland, shall be made available to all visitors to the site and users of the campsite as part of the pre-arrival information.
- 4) At no time from 1 May to 30 September shall the existing access to Bewlbridge Lane be used (other than in an emergency).
- 5) The internal flow of traffic shall be operated in accordance with the details shown on drawing nos 56012/PL.02.02 and 9509-01B.
- 6) The car and cycle parking areas shown on drawing no 56012/PL.02.02 shall be retained for those uses.
- 7) The site shall be used only for the accommodation of tents and motorised caravans and no touring/static caravan shall be stationed on it.
- 8) The permitted campsite shall only be used for that purpose between 1 May and 30 September in any year. Outside of those times all tents, motorhomes, vehicles and the portacabin shall be removed and the site shall be returned to its former natural condition.
- 9) Any floodlighting, security lighting or other external means of illumination of the site shall only be provided, installed or operated in accordance with a scheme that has previously been submitted to and approved in writing by the local planning authority. The scheme shall only include lighting that is low level, hooded and directional and shall be implemented in accordance with the approved details.
- 10) The permitted campsite shall be operated and managed in accordance with the Bewl Noise Management Plan 2023 that accompanied the application.
- 11) No camping shall take place at any time within the 15m buffer zone shown on drawing no 56012/PL.02.02.
- 12) Notwithstanding the provisions of Part 4, Class B, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no land within the area edged blue on drawing no 56012/PL.01.03 shall be used for any purpose associated with camping.
- 13) Notwithstanding the provisions of Part 5, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no land within the area edged blue on drawing no 56012/PL.01.03 shall be used as a caravan site or recreational campsite.

APPEAL B - Ref: APP/C1435/W/24/3343260

- 1) The development hereby permitted shall be carried out in accordance with drawing nos 56045/PL.01.04, 56045/PL.02.04, 56012/PL.03.02, 56045/PL.03.02 and 56045/PL.04.02.
- 2) The Countryside Code and Ancient Woodland Guide which accompanied the application, regarding the conservation and use of the site and surrounding countryside, including protection of ancient woodland, shall be made available to all visitors to the site and users of the campsite as part of the pre-arrival information.
- 3) The internal flow of traffic shall be operated in accordance with the details shown on approved drawing no 56045/PL.03/02.
- 4) The car and cycle parking areas shown drawing no 56045/PL.03/02 shall be retained for those uses.
- 5) The development hereby permitted shall be used for holiday accommodation only and shall be used for no other purpose (including any other purpose within Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or any Order revoking and re-enacting that order with or without modification). The development shall not be occupied as a person's sole or main place of residence.
- 6) A register of all guests using the yurts hereby permitted shall be kept, including dates and durations of each stay by each guest, and the register shall be made available for inspection by the local planning authority at 48 hours' notice.
- 7) The yurts hereby permitted shall only be occupied between 1 May and 30 September in any year. Outside of those times the portacabin shall be removed.
- 8) Any floodlighting, security lighting or other external means of illumination of the site shall only be provided, installed or operated in accordance with a scheme that has previously been submitted to and approved in writing by the local planning authority. The scheme shall only include lighting that is low level, hooded and directional and shall be implemented in accordance with the approved details.
- 9) The permitted yurts shall be operated and managed in accordance with the Bewl Noise Management Plan 2023 that accompanied the application.