



Appeal Decision

Site visit made on 29 January 2025

by Jennifer Wallace BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 April 2025

Appeal Ref: APP/C1435/W/24/3346077

Coombe Farm, Coombe Lane, Wadhurst, East Sussex, TN5 6NU

- 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 Mrs Suzanne Bzikot against the decision of Wealden District Council.
 - The application Ref is WD/2024/0313/F.
 - The development proposed is erection of two A frame glamping cabins.
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Decision

1. The appeal is allowed and planning permission is granted for erection of two A frame glamping cabins at Coombe Farm, Coombe Lane, Wadhurst, East Sussex, TN5 6NU in accordance with the terms of the application, Ref WD/2024/0313/F, subject to the conditions in the attached schedule.

Preliminary Matters

2. A number of comments have been made with respect to procedural matters and complaints. None of these go to the planning merits of the proposal and fall outwith the remit of the appeal process. I have therefore not taken these comments into account when reaching my decision.
3. On 12 December 2024, a revised National Planning Policy Framework (the Framework) was published. I have sought further views from the main parties on this and have taken those comments into account in reaching my decision. I will refer to the updated paragraph numbers. The main parties have also had the opportunity to comment on the "Guidance for relevant authorities on seeking to further the purposes of Protected Landscapes" published 16 December 2024.

Main Issues

4. The main issues in this appeal are:
 - whether the site is a suitable location for the proposed development with respect to the locational policies of the development plan including the need to travel by private car;
 - whether the proposal would preserve or enhance the natural and scenic beauty of the High Weald National Landscape with particular regard to the dark skies and tranquillity; and
 - the effect of the proposed development on the integrity of the Ashdown Forest SAC and SPA.

Reasons

Suitable Location

5. The proposal is for a tourism use. Wealden Local Plan (1998) (LP) sets out that tourism is a positive activity that has economic benefits. LP Saved Policy TM1 sets criteria for supporting tourism development. This does not direct tourism development to locations within development boundaries. The supporting text, although not part of the policy, is clear that small-scale enterprises that draw on the character of the countryside itself will be supported. No conflict is identified with the criteria of LP Saved Policy TM1 in respect of its locational criteria. None of the criteria refer to the need for development to be accessible by means other than the private car. I have no reason to find otherwise. The proposal is in accordance with LP Saved Policy TM1, and consequently does not conflict with LP Saved Policy GD2 which requires compliance with other policies in the LP.
6. Wadhurst Neighbourhood Plan 2016 to 2039 (made May 2024) (WNP) Policy WAD1 confirms that in the countryside, sustainable rural tourism in accordance with Policy WAD10¹ will be supported. This requires the concept of sustainable rural tourism to be addressed. The proposal would provide sustainable employment to the operators of the existing enterprise through providing an additional income stream. The supporting text acknowledges scope for farm diversification could arise from attracting overnight visitors. There is no evidence before me that local produce and materials could not be employed during the construction and occupation stages of the development. While the proposal would be accessed via a narrow lane with limited passing places and which may be used by walkers and cyclists, the additional traffic generated by two modest units of holiday accommodation would not materially affect the operation of the network. The provision of EV charging is proposed as part of the development. There is no suggestion that a rural enterprise should be prevented from diversifying simply because it is successful as operated.
7. However, inevitably given its rural location, the site is quite remote from services and facilities. There is no evidence before me of how the site is connected to the railway station or any other mode of transport by footpaths or cycle paths. The public rights of way maps I have been provided with show they lie at a distance from the site. Nor is there any evidence that horse riding would be a realistic mode of transport. Even where holidaymakers intend to explore the area on foot or by cycle, it is likely that the private car would be their principal means of access.
8. Wealden District Core Strategy Local Plan 2013 (CS) Spatial Planning Objective SPO7 seeks to reduce the need to travel by the private car. WNP Policy WAD10 requires proposals to address the concept of sustainable rural tourism. However, it does not require development to be accessible by other modes of transport. Given its very nature, it is unlikely that rural tourism would not involve use of the private car at least at some stage. While this would result in a degree of conflict with the development plan, I attach limited weight to this given the nature of the proposal. This harm would not outweigh the benefits that would arise from allowing tourism development which is of the scale supported by the development plan and the economic benefits this would bring.

¹ WNP Policy WAD1 refers to compliance with Policy WAD11, however it is Policy WAD10 that relates to sustainable rural tourism. I have therefore assessed the proposal against WNP Policy WAD10 as per the Council's reason for refusal.

9. I therefore conclude that the site would not conflict with the locational policies of the development plan when read as a whole. It would be in accordance with LP Saved Policy TM1 and GD2, and WNP Policy WAD10 which taken together seek to encourage sustainable rural tourism.

High Weald National Landscape

10. The site falls within the High Weald National Landscape (NL) which is designated for the purposes of conserving and enhancing natural beauty and section 85(1) of the Countryside and Rights of Way Act 2000 (as amended) (CRoW) places a duty on me to seek to further these purposes. Paragraph 189 of the Framework confirms that great weight should be given to conserving and enhancing landscape and scenic beauty of the NL, and that the scale and extent of development should be limited. The introduction of development into the NL and the effect of the resultant increase in lighting on the dark skies of the NL is recognised in the High Weald Management Plan as a challenge which may have an adverse effect on the dark skies and aesthetic and perceptual qualities of the NL.
11. The site lies within an area of rolling hills in an agricultural landscape. The wider site is in use as a plantation for Christmas trees. There are some structures associated with this, of a scale and form typical of development associated with agricultural uses. Other development can be seen from the site, typical of the dispersed pattern of development in the rural areas of the High Weald.
12. The proposal would provide holiday accommodation with a limited floorspace and a single bedroom. They would be sited some distance apart. Cabin A would be set amongst the surrounding woodland, while Cabin B would be at a lower level, more nestled into the landscape. The proposed use of dark stained timber and green metal cladding would integrate the development into the surrounding landscape. While not typical of materials used in the area, they would be appropriate in this location to minimise their visual impact. The styles and materials promoted elsewhere tend to refer to permanent residential accommodation or buildings in proximity to other buildings, where visual cues can provide context. While the glamping pods may be visible in longer distance views from the surrounding public footpath network, due to their limited size and proposed materials they would not be prominent features in the landscape.
13. Physically, the proposal would be for two modest structures which would not detract from the landscape and scenic beauty of the NL. There would be a change in the character of the site, however given the very limited scale of the proposal, this would not have an adverse effect on the NL, or the surrounding area in general. Their integration with the landscape could be secured by a landscaping condition which could provide some controls in the short to medium term.
14. Openings in the structures would be limited to a patio door, a window to the rear elevation and two high level fixed windows. These would have relatively small areas, limiting the potential for light spill. The position of Cabin B in the undulating landscape would further minimise the effects of any light emanating from it, while the tree coverage in the area would assist in this further. At my site visit, I noted the presence of flood lights on the barn. There were other buildings within reasonable proximity of the site which also would emit light. The site is therefore likely to be subject to some effects from light intrusion into the area of dark skies at present. The additional lighting that would arise from two modest units in

landscaped locations would not have a material adverse effect on the dark skies component of the NL.

15. The proposal is for only two pods, both of which are limited in size and are sited a short, but notable distance from each other. This would reduce the potential for noise and disruption from visitors by limiting the potential for interaction. There is no substantive evidence before me that sound travels sufficiently far in the landscape that normal activities would have an unacceptable effect on surrounding occupiers. Such a low number of guests would not merit a need for on-site management, nor is there any robust evidence that this type of accommodation would give rise to levels of noise and disturbance that would fundamentally harm the tranquility of the NL or the living conditions of neighbouring occupiers. In the absence of any substantive evidence of harm from noise, it would not be reasonable to require specific measures to be taken. There is no requirement in the development plan policy to require onsite management of holiday accommodation.
16. I therefore conclude that the proposal would preserve the natural and scenic beauty of the High Weald National Landscape with particular regard to dark skies and tranquillity. The proposal would therefore be in accordance with LP Saved Policies EN6, EN27 and EN29 and WNP Policies WAD1 and WAD3 which taken together require proposals to conserve the natural beauty and character of the landscape, be designed with respect for the context in which it would be located, and minimise light spillage. In reaching this conclusion, I have had regard to the duty placed on me by the CroW.

Other Matters

17. I have not been directed to any policies within the development plan which require it be demonstrated that there would be a need for tourism facilities. Nor is there any planning reason for this proposal to be considered in comparison to other tourism facilities in the area or for the attractiveness of the site to occupiers to be assessed. This decision is taken on the facts of this case which are unlikely to be exactly replicated elsewhere. Future decisions would have to be based on their own planning merits.
18. The proposal is for holiday accommodation and has been assessed on that basis. This can be secured through the imposition of conditions. Any future applications, including to alter or remove this condition would be a decision to be taken on its own merits at that time. I have been referred to other decisions. Some of these were not for tourism development so were not directly comparable to this appeal.
19. Development within the administrative area of Wealden District Council has the potential to affect the Ashdown Forest Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site which are subject to the Conservation of Habitats and Species Regulations 2017 (as amended). Evidence indicates that harm to the SPA from recreational disturbance arises from residential occupiers within 7km of the site. Natural England, in its role as the Statutory Nature Conservation Body, has confirmed that due to its location, the proposal would not have a likely significant effect on the SAC from air quality impacts and that an Appropriate Assessment would not be required. As the Competent Authority, I conclude that the proposal would not have a likely significant effect on either the SAC or the SPA.

20. A Preliminary Ecological Appraisal was submitted with the proposal. This identified the potential for great crested newts to be in the vicinity but concluded that the site itself offered limited suitable terrestrial habitat for newts. Reasonable avoidance measures were considered an appropriate way to address this and I have no reason to disagree. Controls over lighting would address concerns regarding foraging and commuting bats and this could be secured by condition. The proposals would not affect any areas of ancient woodland. While there may be other species of interest in the surrounding landscape, the site is managed as a Christmas tree plantation and so is subject to regular activity.
21. There is no substantive evidence before me that the proposal would result in unacceptable littering or security concerns.
22. Construction standards and health and safety are controlled through other regimes. It is therefore not necessary for these issues to be addressed through the planning system.

Conditions

23. The Council has suggested conditions should I be minded to allow the appeal. I have had regard to these in light of the tests set out in paragraph 57 of the Framework and I have made amendments to some of them for consistency and clarity purposes. I have imposed standard conditions relating to the commencement of development and approved plans to define the terms of the permission.
24. It is reasonable and necessary to require details of landscaping to ensure the proposal is effectively integrated into the NL. Biodiversity enhancement and protection measures specifically with respect to bats and great crested newts are recommended and it is necessary to secure them by condition. I have amended the requirement for enhancement measures to prior to first occupation of the holiday accommodation in the interests of clarity and enforceability. It is necessary in the interests of preserving the dark skies of the NL for there to be controls over external lighting however it is not necessary for any approved lighting to be retained. In the interests of visual amenity, it is reasonable and necessary to secure the proposed materials and require the development to retain those materials. It is reasonable and necessary to impose conditions to ensure the proposal is occupied as a holiday let. I have amended the suggested conditions into one and introduced requirements with respect to the details of visitors and restricting the length of time the units can be occupied by a person.
25. Requiring the parking spaces to be available prior to occupation is reasonable and necessary in the interests of highway safety. It is not necessary to impose separate conditions regarding the size of parking spaces and location of the cabins as these matters are secured by the approved plans condition.

Conclusion

26. For the reasons given above, the appeal is allowed.

Jennifer Wallace

INSPECTOR

Schedule of Conditions

- 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 the following approved plans: CFWD1, CFWD2, CFWD3, CFWD5, CFWD6, CFWD7, CFWD8, CFWD9 and CFWD13
- 3) Before first use of the holiday accommodation hereby approved, a scheme of soft landscaping and any means of enclosure shall be submitted to, and approved in writing by, the Local Planning Authority. These details shall include details of existing trees and hedgerows to be retained as part of the landscaping scheme, proposed planting and a scheme for their subsequent maintenance. The proposed planting details shall include planting plans, written specifications, schedules of plants (noting species, which should be indigenous), planting sizes and proposed density.

All planting, seeding and/or turfing comprised in the approved landscaping details shall be carried out no later than the first planting and seeding season following completion of the development.

Any trees, shrubs, hedges or plants which within a period of five years from the completion of development die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

- 4) Before first use of the holiday accommodation hereby approved, a scheme for the enhancement of the site for biodiversity purposes, in accordance with Section 6 of the submitted Preliminary Ecological Appraisal (inc Reasonable Avoidance Recommendations) Report no. BWE-TN5_2024, to include timescales for implementation and future management, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme of enhancements shall be implemented in accordance with the approved details and thereafter retained.
- 5) No floodlighting, security lighting or other external means of illumination of the site shall be provided, installed or operated except in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall have regard to the guidance set out in the South Downs National Park Dark Skies Technical Advice Note, Version 2, May 2021 and to the Institute of Lighting Professionals (ILP) Guidance Note 01/21 - The Reduction of Obtrusive Light. For the purposes of applying the ILP GN 01/21 recommendations the application site shall be regarded as lying within an E1 environmental zone as described in Table 2 of the document. The scheme shall be implemented in accordance with the approved details.
- 6) The development shall be constructed in accordance with the reasonable avoidance measures for Great Crested Newts, as outlined in section 7 of the Preliminary Ecological Appraisal (inc Reasonable Avoidance Recommendations) Report no. BWE-TN5_2024.
- 7) The external materials, including windows, used in the construction of the development hereby approved shall be as detailed within the permitted application particulars and shall be retained permanently as such.

- 8) Before the first use of the holiday accommodation hereby approved, the parking and turning spaces shown on the approved plans shall be made available for use by visitors to the glamping pods. The parking and turning spaces shall be thereafter retained.
- 9) The development shall be occupied as holiday accommodation only and shall not be occupied as a sole or main place of residence or by any persons exceeding a period of 21 days in any 180 day period / calendar year. An up to date register shall be kept by the owner of the holiday accommodation hereby permitted and be made available for inspection by the local planning authority upon request. The register shall contain details of the names of all of the occupiers of the accommodation, their main home addresses and their date of arrival and departure from the accommodation.

[END]