



Appeal Decision

Site visit made on 7 May 2025

by **E Dade BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 May 2025

Appeal Ref: APP/C1435/W/24/3350168

Land east of Jib Jacks Hill, Hartfield TN7 4DQ

- 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 Mr & Mrs R & S Arnold against the decision of Wealden District Council.
 - The application Ref is WD/2024/0181/F.
 - The development proposed is erection of two new dwellings with ancillary garages and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As the proposal relates to land within a Protected Landscape, I have had regard to the statutory duty set out at section 245 of the Levelling-up and Regeneration Act 2023 (LURA).
3. The parties refer to the draft Local Plan which has been the subject of a regulation 18 consultation. Since the emerging plan is at an early stage of preparation and has not been submitted for examination, there is a high degree of uncertainty that any draft policies would be submitted or adopted in the same form. I have determined the appeal against the policies of the adopted development plan and have also had regard to the National Planning Policy Framework (the Framework), dated December 2024, as the extant version at time of my decision.

Main Issues

4. The main issues in this appeal are:
 - whether the proposed development would be in a suitable location, having regard to the local development strategy;
 - the effect of the proposed development on the character and appearance of the area, with particular regard to whether the proposal would conserve and enhance the landscape and scenic beauty of the High Weald National Landscape;
 - the effect of the proposed development on the integrity of the Ashdown Forest Special Protection Area (SPA); and
 - whether other material considerations outweigh any harm identified such as to justify the development.

Reasons

Whether in a suitable location

5. The appeal site comprises an area of agricultural land adjacent to a row of dwellings which front onto Jib Jacks Hill. The built area of the village of Hartfield is situated to the north, separated from the site by agricultural land.
6. Through defining a development boundary, Policy WCS6 of the Wealden District Core Strategy Local Plan 2013 (CSLP) supports development within Hartfield village. However, the site lies outside the development boundary where Policies GD2 and DC17 of the Wealden Local Plan 1998 (WLP) generally resist new development for the purpose of conserving and enhancing the rural environment.
7. In addition, the CSLP's Spatial Planning Objective (SPO) 7 encourages a reduction in the need to travel by car by concentrating development where it can more closely relate to public transport opportunities, improve the offer of towns in terms of retail, leisure, and recreation, and make it easier to travel by more sustainable modes of transport with improvements in journey quality for trips on foot, bicycle or public transport.
8. Hartfield offers a range of services and facilities including a GP surgery, convenience store, primary school, church, pub, village hall, recreation ground, and hourly bus services to Crawley and Tunbridge Wells. Most village services would be within a 10-minute walk of the site, and therefore would be within an acceptable walking distance of the proposed development.
9. At the site's frontage, the highway is subject to a 40mph speed limit and has no footways or street lighting. The proposal would provide a permissive path over land within the appellant's ownership, to create a segregated route for pedestrians and cyclists, and a new pedestrian footway along the eastern edge of the highway of Jib Jacks Hill with an uncontrolled crossing with dropped kerbs and tactile paving at the High Street¹.
10. The local highway authority (LHA) confirmed the proposed footway would be adequate for a development of this scale, subject to technical details of the footway scheme being approved by the Council in consultation with the LHA prior to commencement of development. Therefore, the proposal is capable of providing a satisfactory pedestrian route to the village.
11. Public right of way (PROW) footpath HAR/19/1 runs along the northern boundary of the field and provides a route to the village via the public right of way network. The PROW is an undulating route, which is unlit and has an unmade surface and would not be suitable for all users at all times, particularly after dark and during periods of poor weather. Nonetheless, the permissive path would improve pedestrian connectivity to the PROW network for prospective occupants of the site and neighbouring row of dwellings to the south.
12. Through the provision of pedestrian infrastructure, the village centre could be accessed on foot. The development would provide a small increase in footfall for village services. Future occupants of the proposed dwellings would have a degree of travel choice but due to the site's rural location beyond the built area would

¹ As annotated on drawing ITL19383-GA

typically be reliant on use of a private car. Therefore, the proposal's contribution toward achieving objective SPO7 would be small.

13. As set out above, the proposal would be situated outside the development boundary where WLP Policies GD2 and DC17 restrict development of this type. Therefore, the development plan contains no policies which positively favour a development of this type in the proposed location.

Character and appearance of National Landscape

14. The field within which the site is located was formerly used for production of arable crops. The site's southern boundary consists of hedging and trees which provide screening and separation from the adjacent dwelling. The western boundary abuts the highway of Jib Jacks Hill and comprises maintained scrub and established trees. The northern and eastern boundaries are open to the wider farmland. The site has the open, undeveloped character of an agricultural field.
15. The site is within a landscape characterised by arable fields, small woodland blocks, scattered dwellings and agricultural development. The site is located on higher ground which falls away to the north, east and south. The site is therefore located prominently within a rural, agricultural landscape.
16. Jib Jacks Hill provides a southern approach to Hartfield village. Whilst adjacent to a row of six semi-detached dwellings and opposite a group of farm buildings, the appeal site is within a visual gap south of the village.
17. The appeal site is within the High Weald National Landscape (HWNL)². The statutory purpose of National Landscapes is to conserve and enhance the natural beauty of the area. Section 245 of the LURA amended the duty on relevant authorities in respect of their functions which affect land in National Landscapes; relevant authorities must "seek to further" the HWNL's statutory purpose.
18. The development plan reflects the statutory, national significance afforded to the HWNL. The CSLP's SPO1 protects distinct landscapes of the district, particularly those that are nationally designated, and WLP Policy EN6 supports development within the HWNL only where it conserves or enhances the natural beauty and character of the landscape.
19. The HWNL encompasses the ridged and faulted sandstone core of the Kent and Sussex Weald. Natural England's National Character Area Profile describes the HWNL's landscape character as an area of ancient countryside and one of the best surviving medieval landscapes in northern Europe, consisting of a mixture of fields, small woodlands and farmsteads connected by historic routeways, tracks and paths. It identifies opportunities to maintain and enhance the distinctive dispersed historic settlement pattern. The High Weald Area of Outstanding Natural Beauty Management Plan seeks to retain the area's distinctive historic landscape character and beauty, avoiding poor development and incremental change.
20. The Landscape Visual Appraisal (LVA) indicates the site is valued for its indicators of scenic beauty and tranquillity, with internal landscape features consistent in character with its historical agricultural use, native hedgerows with free standing mature trees which create an irreplaceable sylvan character. The LVA concludes the site is of high landscape value.

² Formerly "Area of Outstanding Natural Beauty"

21. The LVA's review of historic mapping shows the site as arable land in 1919, with its current field pattern remaining unchanged since 1948, thereby comprising a part of the historic landscape form of the HWNL.
22. The settlement pattern and significant gaps of open countryside are part of the area's established character within the HWNL. Therefore, as an open area of countryside, outside of any settlement and distinct from the adjacent dwelling row by its hedgerow boundary, the site contributes positively to the HWNL's character.
23. Given the open character of the site, the LVA indicates there is a relationship between all users of Jib Jacks Hill's highway and the open landscape to the east, and concludes the site is of high sensitivity to accommodating development.
24. The proposed development would provide two detached dwellings with double garages, and therefore would introduce substantial built form to the site. The proposed shared driveway and vehicular access would be constructed in accordance with the LHA's standards and would have a more formal and managed appearance than the site's existing field accesses. The proposal would have an urbanising effect on the site, fundamentally altering its character from agricultural land to the domestic appearance of dwelling plots.
25. The design of the proposed dwellings has sought to reflect the traditional architectural vernacular, informed by the High Weald Housing Design Guide and Wealden Design Guide, with timber framing, local orange/red brick and weatherboarding. However, the proposed dwellings would differ significantly in appearance from the existing dwelling row which comprises symmetrical, uniform pairs of semi-detached dwellings, with prominent front gables, a hipped roof form, and brick and white render.
26. The proposed dwellings would occupy wide plots, would be detached, and would be set back behind the established building line. Therefore, the proposal would not reflect the existing layout and pattern of development.
27. Whilst the proposal would be viewed within the context of existing dwellings, it would fail to successfully assimilate with the existing dwelling row. The proposal would therefore result in development in a location which is separate from the built area of any settlement and would encroach into an open area of countryside.
28. The LVA provides assessment of accessible viewpoints of the site and concludes the proposed built form would mainly be visible from viewpoints nos 3 to 6. Views 3 and 4 are experienced from PROW HAR/19/1. Views 5 and 6 are within the highway of Jib Jacks Hill near the site's frontage. These views would be experienced by pedestrians and road users, respectively.
29. To soften the proposal's visual impacts and provide boundary treatment in keeping with the surrounding area, the submitted landscaping plan proposes retention of important existing boundary trees and vegetation with extensive native planting throughout the site, incorporating double row mixed native hedges with additional interspersed trees along boundaries, to provide additional screening and define the residential curtilage of the dwellings.
30. The LVA shows that the visual impacts of the proposal would reduce over time as the proposed planting matures. However, at *Table 1 – Significance of Impact*³, the

³ Section 5.1

LVA indicates that at year 10, the significance of the development's impacts on views 3 and 4 would be 'low to moderate' and view 6 would be 'moderate'. The LVA's conclusions therefore suggest the magnitude of the development's visual impacts would not be wholly mitigated.

31. As set out above, through the loss of agricultural land the proposal would not maintain the area's distinctive historic landscape character and settlement pattern. Even taking into account the proposed landscape mitigation, the development would be prominently located and would have a harmful, urbanising, visual impact on the landscape. The proposed development would therefore have an adverse impact on characteristic features of the HWNL and would be counter to the duty to seek to further the HWNL's statutory purpose.
32. For these reasons, the proposal fails to demonstrate it would conserve or enhance the natural beauty of the National Landscape and would thus harm the character and appearance of the area.
33. The proposal would therefore conflict with WLP Policies EN6 and EN27 which together support development within the HWNL only where it conserves or enhances the natural beauty and character of the landscape, having particular regard to the HWNL's identified landscape characteristics, and require the siting, scale, layout, design, use of materials and landscaping respect the character of adjoining development and promote local distinctiveness.

Integrity of the Ashdown Forest SPA

34. The site is within the zone of influence (ZOI) of the Ashdown Forest SPA, a European site which is afforded protection by the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations).
35. The qualifying features of the Ashford Forest SPA are its breeding populations of nightjar and Dartford warbler. The conservation objectives of the SPA are to ensure the integrity of the site is maintained or restored as appropriate and ensure the site contributes to achieving the aims of the Wild Birds Directive.
36. Through the provision of two dwellings, the proposal would generate a small increase in population with the potential to increase recreational use of the SPA. Recreation within the SPA can result in damage to bird habitats through trampling, erosion, and disturbance. The proposed development would therefore have likely significant adverse effects on the integrity of the Ashdown Forest SPA.
37. Due to the small scale of the proposed development, there is no scope to provide on-site mitigation. The appellant has provided a unilateral undertaking containing planning obligations to secure financial contributions toward the provision of the Council's Strategic Access Management and Monitoring Strategy (SAMMS) and Suitable Alternative Natural Green Space (SANG).
38. The contributions would be used to improve/maintain the visitor experience at a nearby strategic SANG, displacing recreational trips away from the SPA. There is capacity at the strategic SANG to accommodate the recreational trips that would arise from the submission scheme. The contribution towards SAMMS would be used to monitor and limit recreational disturbance at the SPA. The approach to delivery of SANGS and SAMMS is supported by Natural England.

39. Whilst there is no obligation on the Council to spend the money as envisaged, the evidence before me indicates that as a responsible public body it will use the funds for its intended purposes. Therefore, I am content that the planning obligations are necessary to ensure the effects of the proposal are adequately mitigated.
40. The Habitats Regulations require permission only be granted after having ascertained that it will not affect the integrity of European sites. Subject to the secured mitigation, the proposal would not have significant effects on the integrity of the Ashdown Forest SPA. The proposal would therefore satisfy the requirements of the Habitats Regulations.
41. The proposal's response to the potential impacts on the Ashdown Forest SPA would comply with WLP Policy EN15 and CSLP Policy WCS12, which together safeguard designated nature conservation sites by resisting development which would be likely to adversely affect their nature conservation value, and seek to conserve the character of Ashdown Forest and reduce the recreational impact of visitors resulting from new housing development. In this regard, the proposal would satisfy WLP Policy EN1 which pursues sustainable development.

Other considerations

42. The proposal would contribute two additional dwellings to the area's housing supply. The proposed dwellings would provide spacious accommodation, equipped with private amenity space, vehicle parking and cycle storage. Paragraph 73 of the Framework recognises that small and medium sized sites can make an important contribution to meeting housing requirements.
43. The dwellings would be of a sustainable oak framed construction and would incorporate renewable energy and resource technologies including air source heat pumps, solar panels, and rainwater harvesting. The proposal would therefore promote sustainable building design and construction.
44. As discussed above, the permissive path and footway would enhance pedestrian accessibility for occupants of the existing dwelling row to the south of the site.
45. The appellant intends to utilise adjoining land within the blue line boundary to provide habitat restoration. The proposal would provide a significant biodiversity net gain (BNG) which would exceed both the statutory 10% uplift, and a 20% target mooted by the consultation draft Local Plan. A separate application is currently being prepared for a further 8ha on separate plots owned by the appellant's arboricultural business. Whilst some of the ecological enhancements discussed are outside the consideration of this proposal, the achievement of BNG within the development would nonetheless be a benefit of the scheme.
46. The proposal indicates the plot 1 dwelling would be a self-build unit. However, I have been provided no mechanism to ensure the dwelling would satisfy the definition of self-build and custom housebuilding or contribute toward meeting the area's demand for serviced plots for eligible households, in accordance with the Self-Build and Custom Housebuilding Act 2015. Consequently, there is insufficient certainty that the proposal would secure provision of a self-build unit.

Planning Balance

47. CSLP Policy WCS14 sets out an approach to decision-making which supports the Framework's presumption in favour of sustainable development. In addition, WLP

Policy EN1 seeks to pursue sustainable development having regard to the principles contained in government guidance.

48. The Council estimates it has a housing land supply of 4.45 years. It therefore does not fulfil the requirement for a demonstrable five-year supply of specific deliverable housing sites, as set out at paragraph 78 of the Framework.
49. In this circumstance, paragraph 11(d)(i) of the Framework instructs that permission should be granted, unless policies in the Framework that protect areas or assets of particular importance provide a strong reason for refusing the development. Such policies include those relating to National Landscapes.
50. As set out above, I have found the proposal would fail to conserve and enhance the natural beauty of the HWNL. The proposal would therefore conflict with paragraph 189 of the Framework which instructs that great weight be given to conserving and enhancing the landscape and scenic beauty of National Landscapes which have the highest status of protection in relation to these issues.
51. The proposal would contribute two dwellings to the area's housing supply and would provide other benefits. However, the Framework's policies which protect areas of particular importance, namely the HWNL, provide a clear reason for refusing the development. Consequently, there are no material considerations which indicate a decision other than in accordance with the development plan.

Conclusion

52. The proposal would adequately mitigate the effects of the development on the Ashdown Forest SPA and would not conflict with the development plan in this regard. However, as set out above, the proposed development would not be in a suitable location and would harm the character and appearance of the HWNL.
53. Therefore, the proposal would conflict with the development plan as a whole and there are no other considerations which outweigh this finding. For the reasons given, the appeal should be dismissed.

E Dade

INSPECTOR