



Appeal Decision

Site visit made on 3 July 2025

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

an Inspector appointed by the Secretary of State

Decision date: 18 July 2025

Appeal Ref: APP/C1435/W/24/3339795

Wellshurst Golf and Country Club, North Street, Hellingly BN27 4ED

- 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 Adams of Downside Leisure Ltd against the decision of Wealden District Council.
 - The application Ref is WD/2022/1435/F.
 - The development proposed is described as ‘application for camping facilities in the form of pods, caravans and a site office on land owned by the golf club to add to the leisure facilities already in place’
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. This appeal is a redetermination following the quashing of the previous appeal decision¹ by the High Court². The previous appeal decision considered two main issues, being the effect of the proposal on the landscape and on the habitat of an area of designated ancient woodland. The decision was quashed on the basis that *‘The Inspector has not provided adequate reasoning in relation to whether the terms of the Standing Advice has been breached by the Proposed Development’*³.
3. I have had regard to the previous appeal decision, insofar as it forms a material consideration, but have determined the appeal afresh on its planning merits within the relevant framework. The comments received by both main parties and an interested party, made following the quashing of the earlier decision, have been taken into account.

Main Issues

4. The main issues are the effect of the proposal on: i) the ancient woodland, and ii) the landscape character.

Reasons

Ancient Woodland

5. Standing Advice from Natural England advises that ancient woodland takes hundreds of years to establish and is an irreplaceable habitat and a valuable natural asset, important for matters including wildlife, soils, carbon capture and

¹ Dated 23 October 2024

² The sealed Consent Order dated 2 April 2025 and dated 20 March and 25 March 2025 by the parties

³ Paragraphs 7 and 8 of the Consent Order dated 23 October 2024

storage among other things. The red line boundary of the appeal site wraps around an area of designated ancient woodland which encloses an existing pond on low lying ground.

6. The Standing Advice describes that development including construction and operational activities can affect ancient woodland. It lists numerous direct and indirect effects that development can have which includes damage to roots, soil, flora and fungi, as well as damage by trampling and erosion of soil by people, compacting soil, increasing levels of noise and vibration and changing the water table or drainage. Accordingly, it recommends that proposals have a buffer zone of at least 15 metres from the boundary of the woodland and states that development should not be approved within the buffer zone.
7. The appellant states the development maintains a 15m buffer to the woodland. While I do not have a scale drawing showing the extent of a 15m buffer, the appellant's Preliminary Ecological Appraisal (PEA) and a sketch by the Council demonstrate its likely extent. Based on the Council's drawing, the appellant's Sustainable Drainage and Foul Drainage Strategy (the SDFDS) proposes a foul pumping station as well as associated pipes within the buffer zone, providing a pumped drainage connection to the clubhouse. Two swales are also proposed which extend through the buffer zone and which would discharge surface water into the pond⁴. There is not substantive evidence to suggest these features would not fall within the 15m buffer.
8. Full details of the proposed pumping station or associated pipework, or how they would affect the woodland are not provided. A level of disturbance is, however, likely given the potential excavation works, soil compaction from the pump, potential noise or vibration and the need for access and maintenance. The SDFDS acknowledges the pump would also require an overflow pipe in the event of pump failure, which would discharge downhill. This also presents the potential for harmful effects on the woodland and buffer. The appellant's letter of 28 February 2024 from STM Environmental suggests all foul drainage infrastructure has been removed outside this area. However it is not clear where this has been moved to nor that potentially adverse effects would now be avoided.
9. The SDFDS describes that the swales would be formed into the hillside, and these are shown as having a width of 2.5m with 1:3 slope sides and a base layer of large boulders and cobbles, with regular metal cages to reduce velocity. The appellant's letter of 28 February 2024⁵ suggests swales could instead be built up to avoid root damage. While that could prevent the need for excavation, this could give rise to additional effects arising from soil compaction. It would also remain the case that a change in water flows into the pond, arising from the new hard surfaces of the development, could also cause harmful effects on the ancient woodland.
10. Given these factors, the proposal has the potential to cause deterioration of the ancient woodland as set out in the Standing Advice. There is no supporting evidence to demonstrate this would not be the case. The proposed measures have been found to be effective for the treatment of foul and surface water, and there were no objections from statutory consultees during the course of the application.

⁴ Drawing titled 'Surface Water and Foul Drainage Strategy Layout' – Appendix 9 of Sustainable Drainage and Foul Drainage Strategy dated 14 June 2023

⁵ Letter of 28/02/2024 from STM Environmental- Appendix 2 of the Appellant's Statement of Case, February 2024

However, these matters do not provide assurances regarding the effects on the woodland.

11. The appellant's PEA recommends a 15m buffer be integrated into the site layout, which does not appear to have been adopted given the works described above. Neither does the PEA provide reassurances on the above concerns relating to the effects of the drainage arrangements. I observed that some surface water from the site already discharges into the pond, as evidenced by existing pipes, and there were other structures beneath the woodland including a dilapidated brick building. However, water flows are likely to be altered by the proposed swales and the presence of these existing features do not provide justification for the effects of the new works.
12. I have considered whether these matters could be addressed through the imposition of planning conditions requiring further, or amended, drainage information. However, based on the evidence it is not apparent what an alternative might look like. Given the reliance on the gradient of the land to provide drainage downhill and the position of the ancient woodland and its buffer in the centre of the site, there is a strong likelihood that works would still be required within the buffer without substantive changes to the wider site layout. It would not therefore be reasonable to delay submission of these details until a later date. I appreciate my findings are a departure from those of the previous Inspector, but they are informed by the findings of my site visit and my own review of the evidence, in particular the technical documents and the Standing Advice.
13. In addition to the above, the proposal would increase the number of people staying close to the ancient woodland and its buffer, and these could reasonably include children and dog walkers who may wish to use those areas for recreation, causing harm to the woodland. Measures would therefore need to be in place and maintained to control access to the woodland. However, this could reasonably be secured by a planning condition if the proposal were otherwise acceptable.
14. For the reasons given, and in the absence of substantive evidence to the contrary, the proposal would cause deterioration of the ancient woodland through development within its buffer. It would conflict with saved Policy EN13 of the Wealden Local Plan 1998 (the LP), and SPO1 of the Wealden Core Strategy (the CS) which together require protection of recognised biodiversity attributes and the distinct landscapes of the District.
15. In the absence of wholly exceptional reasons and a suitable compensation strategy, the proposal would conflict with the National Planning Policy Framework (the Framework), which sets out at paragraph 193 that development resulting in the loss or deterioration of irreplaceable habitats should be refused.

Landscape Character

16. The Hellingly Neighbourhood Plan 2021 (the NP), identifies this is an Area of Locally Valued Landscape (LVL), where Policy HNBP1 states that the inherent visual qualities and distinctive character of the area will be protected. The site is in a rural location, but forms part of the wider golf course which comprises various structures including paraphernalia around the club house, large driving range and surface level car park a short distance to the north of the appeal site. Nonetheless the undeveloped nature of the site, its verdant character and gently undulating

slopes, contribute positively to the rural character of the area. This is particularly appreciated from the A267 to the east.

17. The Council's concerns relate to the proposed area for touring caravans, which would be positioned to the east of the site and closest to the road and the driveway into the golf course. This part of the site is set lower than the road level and slopes gently downwards towards the ancient woodland. As a consequence it is likely that some regrading of the land may be required and it is not clear what this may entail. However, given the prevailing ground level and dispersed position of the proposed pitches, it is unlikely that some regrading would cause harm to the landscape character.
18. Given the site sits below the level of the road and is separated by a hedgerow, much of the paraphernalia associated with the use would not be visible from the road. The caravans themselves may be visible to some degree. However, the pitches would be well spaced and the site would retain some sense of openness, even when fully occupied. Additional planting could also reasonably be secured to aid the development's integration with the surrounding tree belts. In any event, the visual effects of touring caravans would be transient and not entirely at odds with an area of rural character. The low level and detailed design of the shower block/ office would similarly assist with its assimilation into the local landscape. Furthermore, the facilities on this part of the site would be positioned close to the entrance to the golf course, which is characterised by tall brick walls and piers as well as signage, and even if the development were apparent from the road, it would read as part of the structures associated with the wider golf course.
19. For these reasons in combination, I find the development would preserve the landscape setting, including the attributes of the landscape character acknowledged by its designation as a LVL. The proposal would therefore comply with SPO2 of the CS, as well as policies EN8 and EN27 of the LP which together require well designed development and respect for the established landscape. The proposal would also comply with Policy TM8 of the LP, which establishes criteria for the assessment of touring caravan facilities. Notwithstanding the above conclusions regarding the ancient woodland, insofar as this main issue is concerned the proposal would also comply with Policy HNBP1 of the NP and with the Framework insofar as it relates to valued landscapes and the intrinsic character and beauty of the countryside.

Other Matters

20. The grade II listed building of Holmbush House exists to the north of the appeal site close to the clubhouse and car park. This is a country house set within gardens and woodland, with the wider rural setting also contributing positively to the appreciation of its architectural and historic interest. Whilst there would be some visibility with the proposed development from the access to the listed building, the presence of intervening structures and landscaping would mean that its setting would be preserved.
21. The proposal would deliver benefits, in particular through supporting the long established golf course. This is supported by paragraph 88 of the Framework and would adhere to Policy TM1 of the LP. This is an important consideration for the reasons set out in the appellant's Business Assessment and given the distance to other overnight accommodation which could reasonably support the functions of

the golf club. There would also be economic benefits arising from the construction process as well as expenditure by visitors into the local economy and employment associated with the maintenance of the site. The development could also provide for additional native planting. I acknowledge these are important benefits to the scheme. However, the effects of the proposal on the designated ancient woodland would be likely to be significant and long lasting, and I give that harm substantial weight. Accordingly, the benefits of the scheme would not outweigh the harm identified.

22. Policy WCS14 of the CS, referred to in the decision notice, reiterates the presumption in favour of sustainable development set out in the Framework. Even if I were to apply the provisions of paragraph 11d), the application of policies in the Framework which relate to irreplaceable habitats and which include ancient woodland, provide a strong reason for refusing the development proposed. The proposal would not, therefore, benefit from the presumption in favour of sustainable development.

Conclusion

23. The proposal would conflict with the development plan and there are not material considerations of sufficient weight which indicate that a decision should be made other than in accordance with it. The appeal is therefore dismissed.

C Shearing

INSPECTOR