The Planning Inspectorate

Appeal Decision

Inquiry Held on 12-21 September 2023
Site visit made on 18 September 2023

by H Butcher BSc (Hons) MSc Pg Dip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 October 2023

Appeal Ref: APP/C1435/W/22/3307820
Land at Bird in Eye Farm, South of Bird in Eye Hill, Framfield, Uckfield TN22 5HA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
- The appeal is made by Croudace Homes Ltd against Wealden District Council.
- The application Ref WD/2021/2198/MAO is dated 15 February 2022.
- The development proposed is the erection of up to 290 dwellings, associated landscaping, informal open space and strategic SANG, with access from the B2102.

Decision

1. The appeal is dismissed.

Applications for Costs

2. An application for costs was made by Wealden District Council against Croudace Homes Ltd. This application will be the subject of a separate Decision.

3. An application for costs was also made by Croudace Homes Ltd against Wealden District Council. Similarly, this application will also be the subject of a separate Decision.

Preliminary Matters

4. I have removed any words that are not acts of development from the description of development in the banner heading above.

5. The application is submitted in outline with only access to be determined at this stage. Included in the evidence are an Illustrative Site Layout and Indicative Parameter/Land Use Plan. I have considered these plans on their respective illustrative/indicative bases.

6. During the course of the appeal amended plans were submitted in respect of the main highway access to the appeal site, the most recent iteration being Drawing No 5330/021 Rev P. I considered the submissions from the appellant, the Council, the R6, and interested parties as to whether accepting this revised plan would deprive those who should have been consulted on the changes the opportunity of such. However, I concluded in a subsequent ruling that all persons who should have been consulted on the amended access plan had

been given the opportunity to do so. The appeal has therefore been determined on the basis of this drawing.

7. The validity of the appeal was raised by the Council in terms of accepting revised plans without sufficient accompanying evidence to allow them to consider the proposals adequately. This would not, of itself, invalidate Inquiry proceedings, and matters of deliverability of the proposals and any assessment of the impacts of the revised plan were considered in evidence during the Inquiry.

8. A signed and dated Unilateral Undertaking has been submitted with the appeal and contains a number of obligations. However, it is not necessary for me to look at this in detail given I go on to find that the proposal is unacceptable for other reasons.

9. A revised National Planning Policy Framework (the Framework) was published by the Government during the course of the appeal. However, the changes do not relate to the matters under consideration.

Main Issues

10. The Council raised six putative reasons for which planning permission would have been refused were they in a position to determine the planning application. They have latterly withdrawn their putative reason for refusal in respect of drainage following receipt of a 'no objection' consultation response from the Lead Local Flood Authority (LLFA). Notwithstanding this, the R6 party in this case is advancing objections in respect of drainage and flood risk.

11. A further putative reason for refusal relating to obligations towards local infrastructure is also no longer being pursued by the Council subject to the submission of a signed legal agreement which is now before me.

12. Heritage was not an issue between the main parties at the Inquiry. This, in part, stems from an Inspector's report and Secretary of State decision on the appeal site from 2008/09 where it was found that the setting of the Grade II listed Uckfield oasthouse[1], which is located central to the appeal site, albeit not within the appeal site itself, would not be "materially harmed" by the proposals. However, matters, such as policy and guidance on setting and heritage assets have moved on since then. In any event, I have a statutory duty in considering whether to grant planning permission to have special regard to the desirability of preserving the setting of this listed building.

13. With this in mind, I consider this matter to be of fundamental importance in the determining of this appeal. Consequently, in the interests of natural justice, I raised this matter proactively with the main parties at the Case Management Conference and during the course of the Inquiry, giving them the opportunity to comment specifically on the impact of the development on the setting of the oasthouse at a round table session. No one would therefore be prejudiced by my consideration of this as a main issue in the determination of the appeal.

14. The main issues are therefore:

- Whether the development would result in the loss or deterioration of ancient woodland and the effect of the development on protected species;

[1] Core Document F.11

- The effect of the development on highway safety;
- The effect of the development on flood risk;
- The effect of the development on drainage;
- Whether the site is a suitable location for housing having regard to accessibility and local planning policy; and,
- Whether the development would preserve the setting of the Grade II Listed Uckfield oasthouse.

Reasons

Ancient Woodland

15. The appeal site includes, directly abuts, and cuts through areas of ancient and semi-natural woodland known as "Bird-in-eye-Shaw" and "Nightingale Wood".

16. Based on the submitted illustrative and indicative plans the development would comprise a parcel of land to the north of the appeal site where housing would be located, and a Strategic Area of Natural Green Space (SANG) to the south and east of this. The SANG to the south would be separated from the housing to the north by a long narrow strip of ancient woodland.

17. There is an existing narrow trodden path through this section of ancient woodland which leads over a small wooden bridge which crosses a stream. At the time of my site visit it did not look to be a particularly well-trodden path, as might be indicated by bare earth, and therefore appeared to attract only low levels of pedestrian traffic currently, indeed, it is located on private land and used solely for the recreation of the current owner.

18. In order to provide a circular walking route around the SANG for future occupiers of the development and other visitors generally, as requested by Natural England (NE), it is proposed to incorporate this existing path through the ancient woodland into the route and to upgrade it to make it suitable for the higher numbers of people using it. This would include creating a 'no dig' path of permeable bound gravel, held in place by timber edging boards, secured with short timber stakes. It is also proposed to enclose this path with chestnut paling fencing to restrict access into the ancient woodland by persons and/or their dogs[2]. As discussed at the Inquiry the path would need to be around 2m wide to allow people to pass comfortably.

19. From what I saw on my site visit existing ground flora/fungi and understorey (existing vegetation under the trees) would need to be cleared to upgrade the path. Furthermore, any ground flora/fungi and understorey would, if not cleared, be suppressed due to the installing of a path on top of it. Part of the ancient woodland would therefore effectively be lost and unable to regenerate itself. NE is clear in its standing advice 'Ancient woodland, ancient trees and veteran trees: advice for making planning decisions'[3] that damaging or destroying ground flora, fungi or understorey are direct effects which can lead to the loss or deterioration of ancient woodland. I therefore find some loss of ancient woodland in this regard.

[2] Inquiry Document 11
[3] Core Document G.3

20. The Forestry Commission (FC) were similarly concerned about the loss of ancient woodland in their consultation comments on the application[4]. The appellant downplays their comments saying that the FC thought the path might be "new", but even if this was the case it does not change my findings above. That the FC suggested fencing of the path was, to my reading, a suggestion of mitigation if their advice was overruled, not a concession it would be *"reasonable to reject their concerns"*. Any suggestion that the FC might have changed their mind latterly is merely conjecture on the part of the appellant.

21. Furthermore, the enclosure of this path with fencing would effectively split this area of ancient woodland in two breaking up the habitat connectivity that currently exists. This is identified by NE in their standing advice as an indirect effect which can cause the loss or deterioration of ancient woodlands.

22. Specifically, it is known that there is a protected species present that is active across the most eastern and western extents of this area of ancient woodland, as well as in close proximity to the path in question. The fencing of this path would therefore introduce a permanent barrier into the foraging areas and routes of this protected species as well as isolate parts of its territory. It would also result in a loss of vegetation which provides cover for this species and introduce increased disturbance to this area from people using the path. All of these effects are discouraged in standing advice from NE regarding this protected species[5].

23. No specific mitigation or compensation measures are proposed in respect of these identified effects on this protected species other than advising that they would find alternative routes around the path, either under the bridge with a ledge created to facilitate this, but which is nevertheless narrow and very close to where people would be walking, or at either end of the path through the housing development or SANG. None of these alternative routes would be suitable in terms of the disturbance this species would experience as a result. I therefore find deterioration of ancient woodland due to harm to habitat connectivity, and harm to a protected species.

24. The minimum 15m buffer zone required by NE could be provided between the area indicated for housing and ancient woodland to the south and west of this as shown on the Illustrative Site Layout and could be secured by condition. This buffer could also be exceeded in places but it would be dependent on the final layout to be determined at reserved matters stage and could be affected by, for example, the final design of the drainage basin (see Drainage section).

25. Nevertheless, because this area of ancient woodland is of itself narrow with a high proportion of its boundary adjoining the area indicated for housing (it borders the whole of the southern boundary of the housing site and around half of its western side) it is, in my view, more susceptible to increased opportunities for deleterious impacts from development such as increased noise and disturbance to wildlife from additional people and traffic, fly-tipping, and the impacts of domestic pets from predation, even with the introduction of defensive planting and a post and rail fence. All of these impacts are identified by NE in their standing advice on Ancient Woodlands as effects of development which can cause loss or deterioration of ancient woodland.

[4] Core Document B.21
[5] Inquiry Document 13

26. Taking all of these points together I find that the development would result in some loss and deterioration of ancient woodland. This is not outweighed by any facilitation of recreation, health or wellbeing benefits to be gained by opening up access to the public.

27. I am aware that NE provided advice on the application. It is clear from this that they were aware of a path through ancient woodland to achieve a suitable circular walking route around the SANG. They also note that the inclusion of dog proof fencing, and fencing along the entire SANG border would deter the public from entering and negatively impacting the ancient woodland. However, this advice appears to be largely focussed on the creation of the SANG and it is possible some issues with respect to impacts on the ancient woodland may have been overlooked. In any event, I am therefore satisfied that my findings that the proposal would result in some loss and deterioration of ancient woodland are in line with NE's standing advice[6].

28. Whether paths through ancient woodland have been created elsewhere does not justify allowing loss or deterioration of ancient woodland in this case which is considered on its own merits. The same follows for development in close proximity to ancient woodland. Each must be determined on their own individual merits.

29. For the reasons given the development would result in the loss and deterioration of ancient woodland and harm to a protected species. As such it would conflict with saved Policies EN1, EN12, EN13 and EN15 of the Wealden Local Plan (1998) (LP) and Policy WCS12 of Wealden District Core Strategy Local Plan (2013) (CS). These policies seek to protect the natural environment and habitats, in particular trees and woodland generally, as well as ancient woodlands.

30. Furthermore, The Framework at paragraph 180c) is clear that development resulting in the loss or deterioration of irreplaceable habitats such as ancient woodland should be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists. No exceptional reasons have been put forward in this case.

Highway Safety

31. The proposed access would serve not only residents of the development and visitors to the SANG but also vehicles associated with the existing light industrial uses at Bird in Eye Farm. The Highway Authority (HA) confirmed at the Inquiry that the junction shown in Drawing 5330/021 Rev P may be acceptable subject to demonstration of its safety through swept path drawings for all vehicles that would be using this access. These were considered in detail at the Inquiry.

32. Specifically, concerns were raised by the HA in respect of the Swept Path Analysis of 12m rigid trucks using the new access junction as shown on drawing no 5330/228 Rev H[7]. This plan shows the swept path analysis for the four manoeuvres these vehicles would make using the proposed access junction. Of these four scenarios, concerns were raised by the HA with respect to three.

[6] Core Document G.3
[7] Appendix 20 of Mr Twinberrow's proof

33. Firstly, 12m rigid trucks turning left into the site could not do so without straddling both lanes of the new access. This could result in occasions where either a collision with a vehicle exiting the site may occur or, more likely, the truck would need to stop on Bird in Eye Hill to wait for the vehicle to exit the junction first. This would increase the risk of rear-end shunts by drivers not expecting traffic to be stopping on a road where speeds are relatively high, especially if traffic were to build up behind the truck waiting to turn.

34. Secondly, 12m rigid trucks turning left out of the site would need to straddle the right turn lane into the site. This could result in conflict with traffic anticipating using this lane, and in a worst-case scenario, a head-on collision.

35. Thirdly, 12m rigid trucks turning right into the access would again need to straddle the two lanes at the access when turning in. This means if a vehicle was waiting to exit the access they would need to pull out before the truck turned in. Furthermore, if the exiting vehicle is turning right they would need to perform two manoeuvres, firstly moving to the centre of the road in front of the truck, and then pausing to try to see past the truck to complete their turn, the truck effectively creating a blind spot. This is a dangerous manoeuvre to make, particularly on a relatively fast road.

36. All of these manoeuvres raise highway safety concerns for even the most reasonable and cautious drivers and in my view cumulatively constitute an unacceptable impact on highway safety. Accident data for the existing access is immaterial as the new access would attract significantly more traffic movements and therefore greater vehicle conflict than at present. Whilst HGV movements would not be large compared to overall numbers of vehicles using the new access, they would be greater than that of simply refuse trucks accessing the site, and sufficient, therefore, to raise highway safety concerns. This is particularly so given the light industrial uses at Bird in Eye Farm which occur in perfectly serviceable facilities and without any known planning restrictions on vehicle movements.

37. Concern was also raised regarding cyclists using the proposed vehicle access because specific provision would not be made for them to turn right. In principle there is no reason why a cyclist could not use the right turn lane to access the site using appropriate arm signals. However, given my findings in terms of 12m rigid trucks needing to straddle the right turn lane, this further adds to my highway safety concerns at this junction.

38. The development would have an impact on both High Street junctions within Uckfield which would operate with increased congestion and a Degree of Saturation occurring in excess of 90% as a result. To mitigate it has been suggested by the HA that the two junctions be linked using a Multiprocessor Optimised Vehicle Actuation system and a contribution towards this of £100,00. The Council raise no objection to this. The R6 specifically raise concern over the costing of the contribution and when these improvements would be delivered. However, I am satisfied that the breakdown of this costing is sufficiently detailed and would mitigate this harm over time. I have therefore taken this into account in my decision. My finding on this matter does not, however, diminish the harm to highway safety identified in respect of the main vehicular access.

39. I have found an unacceptable impact on highway safety as a result of the proposal. For this reason the proposal would conflict with Policies TR3 of the LP

and Spatial Planning Objective SPO12 of the CS which requires new development to not create unacceptable traffic conditions and to provide a satisfactory means of access. The Framework is also clear that development should be refused on highway grounds if there would be an unacceptable impact on highway safety.

Flood Risk

40. The majority of the appeal site falls within Flood Zone 1 'low probability of flooding'. However, there are parts of the site, closest to watercourses, which fall within Flood Zones 2 and 3 'medium and high probability of flooding'. These areas are also at risk from pluvial and groundwater flood risk.

41. The Sequential Test should be applied when any part of a site is at risk of flooding. Flood risk mapping is not an exact science and it may be that the extent of flood risk is greater than that shown. This is particularly relevant in this case as the pedestrian/cycle access would be located in close proximity to areas at medium and high probability of flooding. The Sequential Test should therefore still be applied on sites such as this one which present a greater risk than sites which are wholly within areas at little or no risk of flooding.

42. The site might well be able to be laid out with residential development solely within Flood Zone 1, ignoring the pedestrian/cycle access, but such considerations would form part of the Exception Test and this can only follow after the Sequential Test has been complied with. To miss the Sequential Test would negate the purpose of the Sequential Approach which is specifically designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk.

43. In spite of the appellant's position that a Sequential Test is not required, one has been done. However, this is limited to a search area 7km from the Ashdown Forest Special Protection Area (SPA) and Special Conservation Area (SCA). There is no need for such a limitation given that the development is primarily for housing. The SANG proposed is principally to provide mitigation for this housing in terms of the effects of increased recreational disturbance on the SPA and SCA. Taking into consideration areas not constrained by the SPA and SAC to accommodate housing of this scale seems eminently sensible to me in undertaking a Sequential Test as a wider area would significantly broaden the scope for opportunities to reduce flood risk.

44. In the case of Wathen-Fayed v Secretary of State for Levelling Up, Housing and Communities the findings here relied on a previous version of the Planning Practice Guidance (PPG). Matters of planning policy have therefore moved on since this time and I have taken this into consideration in my decision accordingly.

45. In light of my findings above I consider that the Sequential Test does not adequately satisfy the requirements of the Framework and the PPG.

Drainage

46. Whilst there are some areas of surface water or groundwater flood risk the LLFA consider that as these are small, they would not reduce the ability of the proposed drainage system to function as intended. The LLFA are satisfied that the drainage strategy put forward by the appellant is feasible and do not object

to its basis. Site layout and further technical design considerations could be secured via appropriate conditions.

47. The R6 party raised concerns that the size of the basin required may be larger than currently designed for once details were finalised and whether this could be accommodated within the confines of the land/use parameter plan. Even if it transpired that it was required to be c. 40% larger than shown currently, I am satisfied there is sufficient space to accommodate this within the confines of the land use parameter plan.

48. I therefore find no harm in terms of drainage and as such no conflict with Policies EN1 and CS1 of the LP which seek to protect water quality and to ensure that the works and services required to support development can be provided.

Suitable Location – Accessibility

49. The town of Uckfield is located to the west of the appeal site and offers a good choice of shops, restaurants, a train and bus station and other services. The distances to key facilities within the town[8] at c. 1mile/20mins walk are 'walkable' but not within 'easy' walking distance, particularly as the site occupies an elevated position above the town. It follows that Uckfield is also within cycling distance of the development.

50. The walk/cycle into Uckfield would be improved by the provision of a direct pedestrian/cycle link from the north-west corner of the site onto Bird in Eye Hill, which links into Framfield Road and leads to the town centre. However, it would still not be an easy walk/cycle save for reasonably fit persons, and would be particularly difficult, for example, for people laden with shopping, accompanied by children, or with mobility issues.

51. The proposed pedestrian/cycle link, however, would place persons travelling from the development in close proximity to a bus stop which currently provides a regular service through the day, and on weekends, to Uckfield and other nearby centres. This bus stop would, furthermore, be upgraded as part of the proposal with bus shelters and a real-time passenger information system. In addition to this funding would be provided to secure the bus service for a further three years. A Travel Plan could also be secured to promote sustainable transport modes.

52. Overall, therefore, I consider the development is in a suitable location in terms of accessibility as it would limit the need to travel and offer a genuine choice of transport modes in line with the Framework para 105. On this basis I find no conflict with Policies EN1, EN2, TR3 and TR13 of the LP, and Spatial Planning Objectives SPO7 and SPO15, and Policy WCS7 of the CS which require development to be located efficiently in relation to existing development and to public transport, the provision of safe and convenient pedestrian routes which link to the existing footpath network, and the provision of suitable public transport infrastructure.

Suitable Location - Policy

53. Saved policies GD2 and DC17 of the LP seek to restrict development to within defined development boundaries. The proposed development is outside of

[8] Inquiry Document 15

these development boundaries therefore the proposal conflicts with this policy. However, these boundaries were drawn to accommodate the level of housing required at the time the LP was adopted, which is far below that which is now required. If these policies were strictly applied they would prevent the delivery of much needed housing in a District where there is no 5 year Housing Land Supply, conflicting with the objectives of the Framework to significantly boost the supply of housing. For these reasons, for the purposes of this appeal, Policies GD2 and DC17 of the LP should be regarded as out of date. Any conflict with them is therefore afforded only limited weight.

Heritage

54. At the centre of the appeal site is a Grade II listed oasthouse. It sits broadly at the centre of Bird in Eye Farm, which forms its setting, along with the fields surrounding it which were historically used for a mixture of arable (hop) and pasture uses in connection with the farm. They remain in use for pasture today. The heritage witness for the appellant confirmed that the proposed development would affect the setting of the listed oasthouse. Consequently, as set out in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant planning permission for development which affects the setting of a listed building I must have special regard to the desirability of preserving the building's setting.

55. I am mindful that no material harm to the setting of the oasthouse was identified in the 2009 Inspector's report and Secretary of State Decision[9]. However, matters have moved on since that time such as guidance from Historic England: The Setting of Heritage Assets, which was first published in 2015, and is now a material consideration in this appeal. Furthermore, the Framework is now a material consideration.

56. Whilst much of the significance of the oasthouse may be derived from its technical rarity as set out in the listing description, this case is concerned with the importance of the setting of the oasthouse and how this contributes to the asset's significance.

57. The setting to the oasthouse contributes to its significance insofar as its historic use for drying hops and functional relationship with the surrounding fields which grew the hops can still be appreciated today. These fields remain open, undeveloped, and in use as pasture. Consequently, they enable the oasthouse to be appreciated in broadly its historic rural scene. These fields also provide for a qualitative understanding of the significance of the oasthouse derived from its setting as they provide a degree of quiet and tranquillity which you would reasonably associate with such a rural, historic scene. Furthermore, the lack of development in these fields along with its elevated position above the town gives it a local landmark quality.

58. The proposed development seeks to site up to 290 houses, access roads, and an attenuation basin within the setting of the oasthouse. Consequently, any remaining ability to appreciate the significance of the oasthouse in its historic rural setting would be largely lost. The level of development proposed would also visually compete with and distract from its local landmark quality. Furthermore, the relatively quiet and tranquil character of the setting of the

[9] Core Document K.11

oasthouse would be significantly diminished by the large-scale residential development proposed.

59. The appellant suggests that area(s) of open land could be designed in the final layout of the development, as shown on the Illustrative Site layout, in order to provide an element of the rural setting of the oasthouse. However, given the scale of development proposed any such land would be relatively modest in size, flanked by development, likely landscaped, and would not provide any meaningful historic views of the oasthouse that I have been made aware of. This would therefore reduce the harm I have found to setting by a very minimal degree as its setting as currently experienced is far wider, more extensive, and rural in character. An information board could also be provided as part of the development providing interpretation as to the significance of the oasthouse in terms of its technical rarity and this would better reveal its significance. However, it would not minimise the specific harm to its setting that I have identified.

60. It is my finding, therefore, that the setting of the oasthouse would not be preserved by the development. It follows therefore that the proposal would conflict with Spatial Planning Objective SPO2 of the CS which requires protection of the historic environment. The Framework is also clear that in determining planning applications account should be taken of the desirability of sustaining and enhancing the significance of heritage assets.

61. In terms of para 202 of the Framework the harm I have identified to the setting of the oasthouse would be 'less than substantial' given the building and its significance in terms of its technical rarity would be unharmed by the development. There is no requirement for me to place the degree of 'less than substantial harm' on a spectrum in order to conclude on heritage matters.

62. As set out in paragraph 202 where a development proposal would lead to 'less than substantial harm' to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Heritage Balance

63. In this case the public benefits would include economic benefits derived from the provision of up to 290 homes of which 35% would be affordable housing and 5% self-build homes, in an area where there is an agreed and long-standing shortfall of housing land supply, the current figure being 3.92 years. These homes would drive economic growth in the area through the associated expenditure and job creation that new housing provides. Appropriate conditions also mean this development could come forward relatively quickly.

64. The development would provide a SANG primarily to mitigate impacts to the Ashdown Forest SPA and SAC which would likely occur from increased recreational disturbance from the proposed housing as set out in Policy WCS12 of the CS. The mitigation the SANG would provide is a neutral factor in the planning balance. However, provision is also made for other visitors to the SANG also which is a public benefit.

65. The size of SANG proposed in this appeal is necessary to provide a circular walking route of c. 2.7km for future occupiers of the development. The appellant argues that the SANG, due to its resulting overall size could, in theory, provide mitigation for a significant number of new homes beyond that

proposed in this appeal. However, this argument is largely academic because there is no way of knowing at this time if the SANG proposed will provide a benefit in terms of mitigation for any future housing development which may come forward in the vicinity of the appeal site. It would therefore at best carry only minimal weight as a benefit.

66. The proposals would secure a biodiversity net gain of c. 40% to be secured by condition along with new tree planting. Sustainable homes in terms of their environmental credentials and proximity to local services would be created, along with recreational space and landscaping. Some minor public benefit would also be derived from the provision of a heritage information board regarding the oasthouse.

67. An absence of harm to the amenity of neighbouring occupiers or landscape harm carries neutral weight. Generally, neutral weight is also afforded to any contributions through CIL planning obligations to mitigate pressure on local services, although some wider public benefits may occur as a result. An absence of harm from loss of Best and Most Versatile agricultural land is also a neutral factor in the planning balance.

68. Taken together, the scale of development and associated benefits as set out above carry substantial weight.

69. Para 199 of the Framework advises that great weight should be given to the conservation of designated heritage assets irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm. Furthermore, any harm must be given considerable importance and weight. Given that the proposal would result in the loss of such a large area of the immediate setting of the oasthouse and therefore severely reduce the contribution this currently makes to the significance of this heritage asset I find that this harm is not outweighed by the public benefits in this case.

Overall Planning Balance

70. The harms I have identified in respect of ancient woodland, highway safety, flood risk, and heritage are individually significant and cumulatively carry substantial weight. There is also very limited harm by way of locational policy conflict. Whilst I have found no harm in terms of the accessibility of the development, and no harm in relation to drainage, overall, I find that the proposal would conflict with the development plan as a whole.

71. Furthermore, the harms identified in respect of ancient woodland, flood risk and heritage relate to the application of policies in the Framework which protect areas or assets of particular importance and provide clear reasons for refusing the development proposed.

72. The matters which weigh in favour of the proposal, whilst substantial, do not outweigh the totality of the harm that I have found.

73. The appeal is therefore dismissed and planning permission refused.

Hayley Butcher

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Victoria Hutton

She called:

Ben Rainbow BSc (Hons) NVQ2

Roger New BSc MSc

Claire Turner BSc (Hons) MSC MRTPI

FOR THE APPELLANT

Andrew Tabachnik KC

He called:

Richard Hyett MSc BSc (Hons) MArborA MICFor (Director, Barton Hyett Associates)

Mark Rose BSc (Hons) MSc PGDip MCIEEM (Associate Ecologist, CSA Environmental)

Amy Hensler BSc (Hons) MSc MCIWEM C.WEM CEnv (Director Stantec UK Ltd)

Matthew Twinberrow BEng MCIHT (Associate Director Bellmany Roberts)

Steven Brown BSc (Hons) Dip TP MRTPI (Principal Woolf Bond Planning)

Also appearing for the appellant:

Thomas Copp BA (Hons) MA AssocIHBC (Director RPS Heritage)

FOR THE RULE 6

Mary Cook

She called:

Simon Maiden Brookes BSc (Hons) MSc C Eng C WEM MCIWEM

Richard White BSc (Hons) MSc

INTERESTED PERSONS WHO SPOKE AT THE INQUIRY:

Karen Redwell Uckfield Town Council

Peter Keith Lucas

Cllr Bernadette Reid Wealden District Councillor

Mr and Mrs Chelano

Anne Newton

Alison Strickland

INQUIRY DOCUMENTS

ID1 Appearances for the appellant
ID2 Arboricultural response note to comments on highway access (appellant)
ID3 Arboricultural response note to comments on highway access (Council)
ID4 Rebuttal proof of Evidence of Richard White
ID5 Summary of the consultation exercise undertaken on amendments made to the appeal scheme access and shown on 5330/021 Rev P
ID6 Appellant's opening submissions
ID7 Council's opening submissions
ID8 R6's Opening submissions
ID9 Uckfield Town Council representations
ID10 Letter and plan sent for consultation on access plan 5330/021 Rev P
ID11 Plan of fencing along and around ancient woodland walking route
ID12 Erratum note – Highways Proof of Evidence on behalf of East Sussex County Council
ID13 Advice for making planning decisions
ID14 Proposed bus stop improvements and speed limit extension
ID15 Updated table of Walking/cycling distances to key facilities (from centre of scheme)
ID16 Planning validation guide
ID17 Ped/cycle access to be approved
ID18 Box Van food delivery swept path analysis
ID19 Drawing No: 5330/045 Rev A Location of proposed pedestrian/cycle access
ID20 Numbered Illustrative Site Layout
ID21 Draft Planning Obligation by Unilateral Undertaking
ID22 Draft conditions