

## Application WD/2025/1539/MAJ

**Report to:** Majors Planning Committee

**Date:** 26 February 2026

**Site address:** BEWL WATER, THE BOAT HOUSE BISTRO, BEWLBRIDGE LANE, COUSLEY WOOD, WADHURST, TN3 8JH

**Proposal:** EXTENSIONS AND ALTERATIONS TO THE BOAT HOUSE BISTRO, REPLACEMENT OF THE ADJACENT FISHING FACILITY BUILDING AND CHANGE OF USE TO FORM 7 X 1 BED AND 4 X 2 BED TOURIST UNITS, CREATION OF A CAFE WITH TERRACE, WITH WATER SPORT FACILITIES RETAINED.

**Application type:** Major Application - Full

**Applicant:** Bewl Events and Waterparks Ltd

**Agent:** K LW Ltd

**Valid date:** 25 July 2025

**Expiry date:** 24 October 2025

**Ward:** Frant & Wadhurst

**Ward member(s):** Cllr Mrs J Howell & Cllr Mrs S Glynn-Ives

**Parish:** Wadhurst

**Link to online case file:**

<https://planning.wealden.gov.uk/Planning/Display/WD/2025/1539/MAJ>

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## Reason for Referral

This application is being referred to the Committee because the Local Ward Member, Cllr Howell, has declined to allow a delegated decision. The reasons provided by Cllr Howell are extensive but the focus need only be on those that are relevant material planning reasons having regard to the scheme of delegation as set out in the Council's Constitution. In the context of the history of the site, including previous decisions by Wealden District Council and the Planning Inspectorate for very similar proposals, and the fact this proposal is very similar to those previous submissions the relevant reasons are considered to be the impact of potential light pollution on the High Weald National Landscape. In this respect Cllr Howell has stated:

*This [lighting] is a critical issue both in the earlier appeal and now. The application relies on SmartGlass and management plans, yet expert critiques explain why intermittent, unenforceable light sources (open doors, balcony use, hot tubs, car*

*headlights) cannot be effectively controlled by SmartGlass or condition. In the darkest part of the High Weald, this is a major unresolved planning harm.*

*The High Weald National Landscape Dark Skies Planning Advice Note (2024) explicitly warns that large areas of elevational glazing and internal light spill can cause significant harm in E1 “intrinsically dark” zones, and that operational measures such as blinds or shutters cannot be relied on as mitigation because they depend on user behaviour and fail the tests of enforceability.*

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## **Executive Summary**

Bowl Water is a reservoir located on the Wealden District Council / Rother District Council boundary, within the High Weald National Landscape. The site is an established recreation, leisure and tourist attraction providing a range of recreational facilities. The reservoir is owned by Southern Water. Bowl Events and Waterpark Ltd leases and manages the operational core for various activities.

The recreational and leisure facilities at Bowl Water are open to the public throughout the year. The reservoir is used by anglers and there is a sailing club. The public right of way through the site and around the perimeter of the reservoir is used by walkers, cyclists and horse riders.

The proposal consists of the conversion/extension of the application building to provide for eleven holiday lets. It is acknowledged that the building is of substantial construction and capable of renovation and extension.

The proposal also allows for the upgrade of current water sport facilities at the site, to benefit both the general public and also members of water sport clubs.

A planning application to convert the Bistro building into 11 holiday lets was refused on 12 December 2023 (Ref: WD/2021/2924/F). This refusal was appealed (Appeal Ref: APP/C1435/W/24/3336886), and was dismissed on 5 September 2024, due to a lack of evidence that light spill could be satisfactorily mitigated against.

The previous appeal decision was dismissed on a narrow and specific issue, namely the absence of objective and robust evidence to demonstrate that light spill could be adequately assessed and controlled to avoid harm to dark skies and the special qualities of the High Weald National Landscape. The Inspector’s decision made clear that the determinative issue was the evidential gap around lighting impacts and the effectiveness of the measures proposed.

This fresh submission includes a detailed lighting assessment, which fills that ‘gap’ between existing baseline surveys, and future light pollution when applying the mitigation measures as set out.

The view is taken that with a suitable suite of conditions, the harm does not significantly and demonstrably outweigh the benefits when applying the tilted balance such that the NPPF would indicate consent should be issued.

Bowl Water is an existing leisure destination and the change of use and extension of the building to form holiday accommodation units is compliant with both national and local planning policy. Planning law requires that applications for planning permission

be determined in accordance with the development plan, unless material considerations indicate otherwise.

The proposed holiday lets would make a small scale contribution to tourism accommodation in the area. The development would not be harmful to the NL and there would be no significant impact on local residents. Ecology measures can ensure then impact on wildlife is limited. Existing water facilities would be retained and upgraded.

Approval is recommended.

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## **Recommendation**

Full planning permission BE GRANTED.

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## **Site and Surroundings**

Bewl Water is a reservoir located on the East Sussex/Kent boundary within the High Weald National Landscape. The site is an established recreation, leisure and tourist attraction providing a range of recreational facilities. The reservoir is owned by Southern Water. Bewl Events and Waterpark Ltd leases and manages the operational core for various activities.

The recreational and leisure facilities at Bewl Water are open to the public throughout the year. The reservoir is used by anglers and there is a sailing club. The public right of way through the site and around the perimeter of the reservoir is used by walkers, cyclists and horse riders.

## **Site Constraints**

The application site is located outside of any defined development boundary, within the High Weald Area of Outstanding Natural Beauty. Pockets of woodland within and around the site are designated Ancient Woodland. The reservoir is a Local Wildlife Site.

The site lies beyond 7km of the protected areas of the Ashdown Forest.

The site is in the National Landscape (formerly AONB). Paragraph 182 of the NPPF is clear that great weight should be given to conserving landscape and scenic beauty in AONBs and other areas enjoying the highest status of landscape protection.

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## **Proposal**

The proposal consists of the conversion/extension of the application building to provide for eleven holiday lets. It is acknowledged that the building is of substantial construction and capable of renovation and extension.

The proposal also allows for the upgrade of current water sport facilities at the site, to benefit both the general public and also members of water sport clubs.

## **Environmental Impact Assessment**

With regard to the Environmental Impact Assessment Regulations 2017, the development proposed falls within Schedule 2 category, 10(b) - urban development project. Although the thresholds are clearly not met, the site is designated as a 'sensitive' area situated as it is within the High Weald National Landscape. Due to the nature and scale of the proposals, having regard to the scope of environmental issues relevant to the site, and with reference to the relevant screening criteria in Schedule 3 of the EIA regulations, the scheme is considered not to be EIA development.

There is a need to bear in mind that in some cases consolidation of development needs to be considered (i.e.. consolidation of development within category 13(a) – 'The Council's EIA screening appraisal has also considered the proposals in combination with the established development of the site for residential purposes'.

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## **Relevant Planning History**

*See planning history sheet on the Wealden Council website.*

In relation to the wider site:

WD/2017/0210/MAJ sought permission for construction of visitor accommodation in the form of 58 self-contained earth lodges with associated plant building and refuse enclosure. This application was appealed by the applicant prior to the Council determining the application. The appeal (APP/C1435/W/18/3217263) was dismissed on 3 October 2019.

Temporary permission for up to three years was granted for a campsite for up to 80 pitches between May and September (WD/2020/0717/MAJ) on 16 November 2020.

An application for the permanent retention of the above-mentioned campsite (Ref WD/2023/1895/MAJ), was refused on 2 April 2024, at the same time an application for the retention of two yurts and siting of two extra yurts (Ref WD/2023/2424/FR) was also refused. Both of these applications were allowed at appeal on 13 January 2025 (Appeal Refs APP/C1435/W/24/3343258 and APP/C1435/W/24/3343260).

In terms of this particular building, a planning application to convert the Bistro building into 11 holiday lets was refused on 12 December 2023 (Ref: WD/2021/2924/F). This refusal was appealed (Appeal Ref: APP/C1435/W/24/3336886), and was dismissed on 5 September 2024, due to a lack of evidence that light spill could be satisfactorily mitigated against.

WD/2021/0638/F proposed the conversion of an existing fishing lodge (to the west of the Bistro building) to provide 4 holiday lets. The proposal was refused on 4 February 2022, and was subsequently appealed. The appeal (Ref APP/C1435/W/22/3294192) was allowed on 21 February 2023. This is a material planning consideration in the determination of this particular application, as discussed further in this report.

## Pre-Application Advice

None requested.

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## Consultation Responses

The following consultation responses and representations have been received. These responses are summarised. Full versions of the consultation responses and representations are available on the case file available on the Council's website (link above).

### Statutory Consultees

[FULL CONSULTEE COMMENTS AVAILABLE ONLINE]

#### Wadhurst Parish Council:

Comments on original submission:

- Name of building – Boat House Bistro – is misleading
- Building was set up to be a sports club house, not a café or gastro pub
- Lack of sporting facilities at the site
- Planning context changed since original appeal dismissal
- Bewl Water has been listed as a potential SPA by the Joint Nature Conservation Committee (JNCC)
- BNG has been brought in
- Wadhurst Neighbourhood Plan is now made, along with the Wadhurst Design Code
- New AONB Management Plan AND Planning Advice Technical Note regarding Dark Skies.
- Levelling Up and Regeneration Act introduces a new duty to seek to further the purpose of conserving and enhancing the natural beauty of an area.
- All factors should be re-considered, not just the Inspector concerns regarding lighting.
- No HRA submitted – required due to Potential SPA consideration
- Noise impact detrimental to wildlife
- Disturbance would affect the gull roost (largest roost in UK for water birds)
- Lighting, glare and human activity would cause significant disturbance, 300m from roost
- Any condition to mitigate this would not be lawful – would fail tests
- Insufficient ecological information

- Lack of information regarding impact on nearby trees
- No 15m buffer to Ancient Woodland
- Degradation of nearby ancient woodland and this development will all have an impact on foraging bats
- Conflict in tree and ecology information
- Deficiencies in ecology surveys
- Impacts other nearby Parishes
- Light spillage impact on dark skies
- Excessive glazing over three floors will emit unacceptable light pollution
- Dark Skies Technical Note criteria not met re location and design
- Extensive glazing will have unacceptable reflection and glare
- Regardless of smart glazing, external lighting on balconies / terraces will have an impact
- Light spill cannot be controlled effectively by any management plan
- Change of use will prevent meaningful revival of sailing and water sports
- Proposal erodes Bewl Waters recreational function
- Lack of evidence the applicant has tried to retain or re-use building for its intended purpose
- Bewl being turned into a holiday village
- Site has many facilities which might qualify it to be considered a holiday village
- This would go against Policy TM4 of the saved Local Plan
- Fishing Lodge appeal should be considered in isolation
- New evidence available since this decision, especially on wildlife impact
- Allowed appeals should not be a stepping stone for future development
- While inadequate, Bewl Water have a Masterplan, development should be assessed in this context
- Proposal ignores the Wadhurst Design Code (made in May 2024)
- Fails certain Design Code policies, notably not an enhancement and lacking light spillage details or fails to propose proper lighting mitigation measures
- Design Code is part of the planning framework
- Proposal misinterprets Wealden Design Guide
- Out of keeping in prominent building in landscape and National Landscape character
- Change of character to the area

- ESCC character assessment refers to the tranquil and informal recreation area
- Also refers to maximises opportunities for recreational activities where there is no conflict with wildlife
- Proposal removes some facilities for campers, removing justification for this type of recreational activity
- Should be treated as a major development in the National Landscape
- Bewl is a natural amphitheatre – sound would carry over the reservoir
- Tourism case is flawed
- Would not respect area – goes against policy TM1
- Plenty of other tourism facilities available in the area
- No unmet demand for overnight accommodation
- New overnight accommodation would bring demand for other facilities to be required at the site – such as on-site entertainment, pub facilities
- Health and safety is a big issue
- Too close to waters edge

Wadhurst Parish Council:

Ecological and Arboricultural Assessment submitted, which concludes:

- Not enough information submitted for approval
- Risks harm to ancient woodland
- Protected species affected
- Impact on internationally important winter gull roost
- Impact on dark skies of High Weald NL

Rother District Council:

Comments on original submission: No objection subject to Wealden District Council ensuring that the proposal does not adversely harm the scenic beauty of the High Weald National Landscape and the environment as a result of increased activity, having regard to the following:

The intensification of use, spilling across Rother's district and subsequent impacts as a result of tourist activities upon the rural tranquillity and the wider ecological environment.

The impact of light pollution on the dark skies, also affecting the rural tranquillity, as well as light-sensitive nocturnal species.

Impact to the rural road network as a result of increased tourism activity.

ESCC Highways:

Applicant can demonstrate that the site has adequate access & parking, therefore we would not wish to object to this application but would wish for any grant of consent to contain the conditions listed.

Southern Water:

INITIAL RESPONSE Dated 31 July 2025:

Insufficient information – details and diagram of proposed means of foul / surface water drainage disposal shall be submitted.

FURTHER RESPONSE (FOLLOWING AMENDMENTS) dated 3 October 2025:

Southern Water is happy for the Condition around Foul drainage to be discharged. This is due to an In-depth capacity check being completed, following a modelling update, which has resulted in there being capacity for the above site at 0.8l/s.

Sussex Wildlife Trust:

OBJECT

- Proliferation of activity at the site has compromised site capacity to support wildlife in summer
- Winter months always have offered safe refuge
- Evening / nighttime disturbance will have a greater impact here
- Conservation status of bird populations would be affected
- Will significantly detract from nature experience for day visitors
- Set precedent for the site resulting in further extensions and escalations in activity
- Management plans limited in effectiveness
- Ecology surveys inadequate
- Potential impact to ancient woodland not discussed

High Weald AONB Unit:

General comments:

Do not wish to provide detailed comments on this planning application, it will be for the LPA to consider whether this new submission satisfactorily address the issues raised by the Planning Inspector in his Decision Notice of 5 September 2025, dismissing the appeal for the previous application for this proposal (WD/2021/2924/F).

The LPA will need to consider whether the proposed smart glass system, embedded into the windows programmed to be set as an opaque transmission as it gets dark, would be adequate mitigation

Should consider application in the context of the High Weald AONB Management Plan 2024-2029 in particular the various Objectives set out for each of the Key

Character Components of natural beauty. In particular, I would draw your attention to the 'Dark Skies' Character component, and the Objectives and Actions set out in that chapter. We would also expect the application to be considered in the context of the high-weald-national-landscape-dark-skies-planning-advice-note which sets out that light spilling out from inside dwellings can create significant amounts of light pollution, having a significant adverse impact on night sky quality and the integrity of a dark landscape in a rural context.

## **Non-Statutory Consultees**

[FULL CONSULTEE COMMENTS AVAILABLE ONLINE]

### *Etchingham Parish Council:*

Object on grounds of:

- Light pollution
- Impact on roosting birds
- Sewage discharge issues
- Inappropriate within the National Landscape
- Design out of character with the area
- Better and more suitable sites available

### *Tunbridge Wells Borough Council:*

NO OBJECTION

### *LPA Biodiversity Officer:*

Comments made following submission of further ecological and arboricultural information:

No objection subject to conditions being imposed.

### *WDC Economic Development:*

NO OBJECTION

Tourism is of vital importance to the District's economy in terms of generating income and investment, providing employment and helping to maintain and enhance local services and amenities.

The proposed alterations to the bistro and sport facilities, along with the development of a new café on site and addition of visitor accommodation, would be a welcome addition to the District's tourist offer, while supporting the growth of sustainable rural tourism.

There is also currently a shortage of visitor accommodation across Wealden.

The addition of 11 new visitor accommodation units is supported from both an economic development and tourism perspective.

WDC Leisure and Wellbeing Team: Object due to loss of sports and leisure facilities.

## **Representations**

[\[FULL NEIGHBOUR COMMENTS AVAILABLE ONLINE\]](#)

153 notifications of objection to the original submission of plans for the application, including letters from various sports clubs, raise the following issues:

### **1. Impact on Ecology, Wildlife & Protected Birds**

Light Pollution Threatening Red-List & SPA-Candidate Species

Bewl Water is used by endangered red-list birds and is being considered for SPA designation.

No HRA has been submitted, despite a legal requirement for developments affecting (or potentially affecting) SPAs or candidate SPAs.

The site supports over 10% of the UK's Common Gull population, with peak counts exceeding 100,000 birds. The absence of alternative roosts makes the population highly vulnerable to disturbance.

Noise Disturbance at Night

Increased night-time occupancy, vehicle movements and visitor activity threatening bird roosting and feeding.

Impact on shoreline habitat.

Within 15m of Ancient Semi-Natural Woodland, with no buffer or protection plan

Development is 'environmentally unsustainable'.

No BS 5837:2012 Tree Survey or Tree Protection Plan has been provided, despite mature trees and ancient woodland adjacent to the site.

The Preliminary Ecological Appraisal (PEA) was conducted in January, missing key seasonal indicators for mammals, reptiles, amphibians, and invertebrates.

BNG calculation uses an obsolete metric (v1.03), not the statutory Metric 4.0, and excludes shoreline and woodland habitats.

### **2. Sewage Infrastructure & Water Quality Concerns**

68 sewage leaks in the prior year, totalling over 777 hours of discharge into the reservoir.

Southern Water correspondence stating 'insufficient information' for foul and surface water disposal.

Further overnight accommodation will exacerbate pollution risk in a drinking-water reservoir.

### **3. Landscape, AONB & Character Impact**

High Weald National Landscape (formerly AONB) protection policies.

Proposal appears more like a 'holiday village' and would urbanise a rural landscape.

Highly visible, elevated position gives 360° exposure across Bewl Water.

Design does not conform to local High Weald Design Code.

#### **4. Loss of Peace, Tranquillity & Visitor Experience**

Increasing holiday accommodation will increase noise, night lighting, traffic at unsociable hours

Will alter the feel of the area from rural recreation to commercial resort.

#### **5. Concerns About Creep Towards a Holiday Village / Over-Commercialisation**

Proposal forms part of a larger commercial expansion strategy.

Original vision for Bewl was as a daytime recreation facility and wildlife sanctuary at night.

#### **6. Loss of Community Facilities**

The building was constructed with public funds as a clubhouse for water sports clubs

Will lead to closure or displacement of water sports clubs, mainly the Sailing Association.

The building being proposed for conversion is the one Bewl Sailing Association previously used.

Development would permanently remove clubs abilities to operate.

Proposed shared use of a commercial café and reduced changing facilities are token gestures

Inadequate for safeguarding, accessibility, and disabled users

NPPF paragraph 104 requires an assessment to show that recreational buildings are surplus to requirements before redevelopment; no such assessment has been provided.

#### **7. Highway Safety & Construction Concerns**

Heavy construction vehicles pose risk to pedestrians and waterside users.

Pollution from construction runoff into Bewl Water.

#### **8. Lack of Need for Additional Tourist Accommodation**

There is already plentiful visitor accommodation locally.

Existing local holiday sites are under-occupied.

Bewl Water is better suited to daytime recreation rather than overnight tourism.

#### **9. Design Concerns**

Proposal is out of character.

Excessive in scale.

A poorly designed waterfront residential development.

30% floorspace increase along with additional upper floor

Extensive glazing likely to worsen light-spill.

#### **10. Dark Skies**

Site is within a designated "dark skies" area (EZ1 zone under local policy, Wadhurst Neighbourhood Plan Policy WAD16).

Extensive glazing, terraces, and hot tubs are likely to cause significant light spill.

SmartGlass technology is considered unproven and unenforceable.

Lighting report focuses on human receptors, not ecological ones, and lacks ecological expertise.

## **11. Reference to Previous Refusals and Appeal Decisions**

A near-identical scheme was refused previously and dismissed at appeal (July 2024).

The inspector's reasoning focused largely on light pollution impacts.

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## **Legislative and Policy Framework**

In accordance with Section 70(2) of the Town and Country Planning Act 1990 (as amended) and Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended), decisions on planning applications must be made in accordance with the development plan, unless material considerations indicate otherwise.

The National Planning Policy Framework (NPPF) constitutes up-to-date government planning policy and is a material consideration in the determination of planning applications where relevant. This includes the presumption in favour of sustainable development, as set out at paragraph 11 of the NPPF.

The government is seeking comments on a revised National Planning Policy Framework and other changes to the planning system via a consultation running until 10 March 2026. Whilst the courts have held that even draft policy can be a material consideration in the determination of a planning application, given the nature of the draft changes and the views sought in the consultation they are afforded no weight in the recommendation for this proposal unless explained otherwise elsewhere in the report.

## **Development Plan**

The statutory development plan for Wealden District Council includes the following documents:

- Wealden Local Plan 1998.
  - Saved policies under the Direction of the Secretary of State (dated 25 September 2007).
- Wealden Core Strategy Local Plan 2013.
- East Sussex, South Downs and Brighton and Hove Waste and Minerals Local Plan 2013.
- Wealden Affordable Housing Delivery Local Plan 2016.
- East Sussex, South Downs and Brighton and Hove Waste and Minerals Sites Plan 2017.
- Neighbourhood Plans:

- Wadhurst Neighbourhood Plan 2024.

## **Emerging Local Plan**

The Council is currently preparing a new Local Plan, which will provide a refreshed spatial strategy for growth across the district to 2040. The draft plan was subject to public consultation under Regulation 18 between March and May 2024.

However, the emerging Local Plan remains at an early stage of preparation. A further Regulation 18 draft is underway (February to March 2026), with the Regulation 19 Proposed Submission version expected Q2 of 2026/27.

In accordance with paragraph 49 of the NPPF, weight may be afforded to emerging policies depending on their stage of preparation, the extent of unresolved objections to relevant policies and the degree of consistency with the NPPF. If any weight is to be given to these emerging policies, this will be clearly set out and justified.

## **Other Policies and Guidance**

- National Planning Practice Guidance (NPPG).
- National Design Guide.
- Wealden Design Guide 2008 (Supplementary Planning Document).
- High Weald AONB Management Plan.

## **Relevant Policies and Guidance**

- Saved Policies GD2, EN1, EN6, EN27, EN29, DC6, DC7, TM1, TR3 and TR16 of the adopted Wealden Local Plan (WLP) 1998.
- Spatial Planning Objectives SPO1, SPO2, SPO11, SPO13, SPO14 and Policies WCS12 and WCS14 of the adopted Wealden Core Strategy Local Plan (CSLP) 2013.
- Wealden Design Guide 2008 (adopted Supplementary Planning Document), Chapter 2, Part 2.
- Policies WAD1, WAD3, WAD5, WAD7, WAD8, WAD10, WAD12, WAD13 and WAD16 of the Wadhurst Neighbourhood Plan.

## **Other Relevant Legislation**

### **Human Rights**

Schedule 1, Part I (the Convention), Article 8 (the right to respect for private and family life') and Schedule 1, Part II (the First Protocol), Article 1 (the right to property) of the Human Rights Act 1998 (as amended) place a duty on the Council to give due regard to the applicant's reasonable development rights and expectations, which shall be balanced and weighed against wider community interests, including having regard to the development plan and other material considerations. This recommendation has been made in accordance with this duty.

## **Public Sector Equality Duty**

Section 149 of the Equality Act 2010 (as amended) places a duty on the Council to have due regard for the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different people when considering planning applications. This recommendation has been made in accordance with this duty.

## **Local Finance Considerations**

Section 70(2) of the Town and Country Planning Act 1990 (as amended) states that a local planning authority must have regard to local finance considerations as far as it is material. This would generally be a monetary grant or other financial assistance from the Government or payments that have been received or could be received in payment of the Community Infrastructure Levy. Any local finance considerations material to this recommendation are referenced in this report.

## **High Weald National Landscape**

Section 85 of the Countryside and Rights of Way Act 2000 (as amended) places a duty on the Council to seek to further the purpose of conserving and enhancing the natural beauty of the area when considering developments in the High Weald National Landscape. The duty replaces the previous requirement for relevant authorities to 'have regard' to the purpose of National Landscapes and is intended as a more proactive and strengthened requirement.

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# **Assessment**

## **Principle of Development**

Saved Policy GD2 of the Local Plan precludes development on land outside of development boundaries unless it accords with other specific plan policies. Policy DC7 allows for tourist accommodation to be provided within the countryside (outside development boundaries) through the conversion of agricultural or other rural buildings where the building's form, bulk and general design are in keeping with its surroundings. This policy excludes new buildings which are the subject of saved Policy TM1 of the Local Plan. This states that new tourist facilities will be permitted outside development boundaries where certain criteria are met. These include the need to preserve, and where possible enhance, the character of the area; would make an important contribution to diversifying and upgrading the tourist attractions and facilities in the District in keeping with changing demands; within the High Weald National Landscape, particular care is given to siting, design and appearance; that the development should not be detrimental to nearby residents and that it should be small in scale.

Tourism is of vital importance to the District's economy in terms of generating income and investment, providing employment and helping to maintain and enhance local services and amenities. Paragraph 88 of the NPPF seeks to support economic growth in rural areas and support the sustainable growth and expansion of all types of business in rural areas, both through the conversion of existing buildings and well-designed new buildings. Decisions should enable sustainable rural tourism and

leisure development which respect the character of the countryside. As mentioned above, saved Policy TM1 also supports new or extended tourist facilities where these protect or enhance the quality of the area, and assist in improving tourism facilities in the district diversifying and upgrading tourist attractions and facilities in the District. The CSLP paragraph 3.28 explains the Council's strategy to increase visitor spending while protecting and enhancing vulnerable landscapes such as the Ashdown Forest.

Paragraph 89 of the NPPF states that *“planning decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport).”*

Subject to the over-arching principles concerning sustainable development, paragraph 83 of the NPPF states that to support a prosperous rural economy planning decision should enable the sustainable growth and expansion of all types of business in rural areas; the development and diversification of agricultural and other land-based rural businesses; sustainable rural tourism and leisure developments which respect the character of the countryside.

The site lies within a remote and unsustainable location where access is by car. Nevertheless, as a tourism use, different considerations apply than to a use as a permanent dwelling. People on holiday would not be subject to the frequent need to visit services and facilities such as schools as might otherwise be the case. Trip generation would be likely to be lower and the car would be used predominantly for leisure excursions. Even then, the draw of the site is to utilise existing leisure facilities at Bewl rather than providing a base for excursions. The remoteness of the location and compatibility with existing facilities, would make the site an attractive holiday destination for many people and, apart from the site, some economic benefits would be likely to be forthcoming in the nearby towns and villages such as Wadhurst, Lamberhurst, Ticehurst and Flimwell

With regard to the tourism aspect, the scale and size of the current proposal would be acceptable in principle as the proposed holiday lets would make a contribution to tourism accommodation in the area. This aligns with the relevant local and national policies as outline above. Of course, the overall acceptability of the use and associated development has to be considered in the context of other relevant considerations and these are set out in the rest of the report.

Whilst concern has been raised regarding a more comprehensive plan for Bewl Water (or lack thereof), the Council must consider what has been applied for and cannot refuse the proposal on this basis and must judge each case on its own merits. Future development of the site, including the provision of additional facilities would need to be considered if they are applied for and not under this application which has to be judged on its own merits.

## **Design and Impact on Visual Amenity, Character of the Area and Landscape**

Paragraph 189 of the NPPF recognises National Landscapes and confirms that great weight should be given to conserving the landscape and its scenic beauty. Saved Policy EN6 of the Local Plan seeks not just to conserve or enhance the natural beauty of the National Landscape (referred to as AONB in the policy text), but also its character, and has regard to traditional settlement patterns and building style.

The Levelling-up and Regeneration Act (2023) amended section 85 of the CRoW Act, to create a new duty on planning authorities to 'seek to further the purpose of conserving and enhancing the natural beauty of the area' when considering developments in National Landscapes (NLs). The new duty replaces the previous requirement for relevant authorities to 'have regard' to the purpose of NLs and is intended as a more proactive and strengthened requirement.

The building occupies a visually prominent location on the northern shore. In fairly close proximity lies a group of more functional neighbouring maintenance buildings, including the Fishing Lodge building (to the west), which has recently been granted permission on appeal for the conversion to four holiday lets.

Gable end projections are also shown on the side (north-eastern and south-western) elevations, The proposal makes use of the existing balcony is situ, with additional balcony areas provided for the rooms within the roof space. The existing single storey addition on the north-eastern elevation would also be remodelled and extended to provide holiday let rooms.

### ***Photographs of existing building***





The elevations are similar to what was previously refused at appeal under WD/2021/2924/F (Appeal ref: APP/C1435/W/24/3336886). In this appeal decision, the Inspector noted:

*The building is located on a prominent location on the northern shore of the reservoir but already of a significant size. The proposal would increase the ridge height of the building through a roof extension with gable end projections on each elevation to provide accommodation in the roof space. The amended proposals would increase the height of the building by just over 1m, which would not appear as a prominent change given the substantial scale of the existing structure and open setting it sits within. (para 28)*

*Overall, I am satisfied that the proposed design of the building is acceptable and would not result in harm to its character and appearance and how it would appear within the HWNL (para 30).*

While acknowledging the prominent location, the design in itself is considered acceptable. The Design Statement submitted with the proposal describes the

existing building as being in a poor condition, underutilised and not currently being used. The proposal extend the height from ground level to the ridge, with an approx. increase of just over a metre, however this is not considered to represent a significant height increase over the existing, and would not be on a scale to make the building overly more prominent than it currently is, and would enhance the appearance of the existing building, giving it a fresh and modernised appearance. it would be largely retained in the facing brickwork, plain tiles and shiplap boarding, currently in situ on the building.

It is noted that since the appeal decision, the Levelling Up Act has strengthened the duty on LPAs, as mentioned above, and the Wadhurst Neighbourhood Plan (and Design Code) have been formally adopted.

However, there is no reason to now go against what the Inspector has said before. The design will not significantly raise the height of the building, and will provide a fresh modern appearance to a currently tired looking building. The proposal is considered to conserve the character of the National landscape, thus fulfilling the LPA duty as mentioned above.

The concerns with regard to external lighting in these dark skies area is understood. External lighting should be kept to the bare minimum on health and safety grounds and should be low level and directional. This may be controlled by condition. This issue is also covered further in the ecology section below.

It is acknowledged that at present, the building has an unrestricted use in terms of internal lighting and use of the space for functions and events, which could in its current form be considered to have an impact.

It is of material consideration that the appeal decision, while dismissed, was found wanting on a single aspect. The Inspector stated:

*I am not satisfied that it has been adequately demonstrated what the extent of light spill from the development would be, and whether it can be controlled through conditions to a level that would not materially harm the dark skies of the HWNL (para 44)..*

The design proposals and the lighting assessment sets out the measures in place to mitigate light spill from the building. This includes:

- An overhang on the roof, with an angled soffit, to contain some light spill from internal rooms.
- Set back windows in relation to the balcony.
- Smart glass technology, which would allow for zero light transmission at a predetermined time.
- Angled louvres for balcony balustrading, helping to further reduce light spill.

The key question is whether it is considered the mitigation and measures that could be put in place as outlined above could sufficiently mitigate impacts to a level similar to what impacts the building could theoretically generate if used for its current lawfully unrestricted purpose. More pertinently now, the key question has become, in relation to this particular issue, do the measures as set out overcome the Inspectors concerns in the previous appeal decision, in relation to the impact of light spill on the HWNL.

The previous submission did not include a lighting assessment, and when officers recommended approval, a condition was proposed requesting details of reflective glazing and smart glass technology. Ultimately the application was refused, and dismissed at appeal, with the Inspector, in noting the proposed conditions and design details in the scheme put forward at appeal stage, stated:

*There is no evidence before me on the difference in light spill impact between the existing and proposed use, and whether the smart glass and other measures would address it to an acceptable level. Without this, it is difficult to come to an objective conclusion that the proposed smart glass and other measures would be effective in ensuring the HWNL dark skies are not adversely affected by the scheme including a proposed increase in openings on the building's most prominent elevation within the HWNL. (para 15).*

In this fresh submission, the LPA have been provided with a robust lighting assessment. This assessment contains a lighting baseline survey, and a lighting strategy. The assessment concludes that with the installation of smart glazing system mitigation, lighting will have a **neutral** effect on all receptors.

This assessment has assessed the current baseline levels, including:

12. Sky quality measurements using the International Dark Sky Association methodology.
13. Illuminance measurements along the shores of Bewl Water and in the immediate surrounding area.
14. Photographs from the shores of Bewl Water and within the Application Site.

These results have informed the lighting strategy, and the mitigation put in place is intended to ensure light spill and upward light is mitigated. The Vertical illuminance calculations that have been conducted for the proposed development show that with the proposed mitigation implemented, there will be neutral effect of light spill on the identified receptors.

It is concluded that the application this time around contains a robust lighting assessment, which does set out existing levels, and proposed levels with mitigation in place, and the conclusion is the proposal will not have a significantly harmful impact due to measures proposed, which can be conditioned.

The Wadhurst Neighbourhood Plan 2024 does have a Dark Skies Policy, set out below:

*Policy WAD16: Protection of Dark Skies*

*A. Proposals for development will be supported where it is clearly demonstrated that all opportunities to reduce light pollution have been taken.*

*B. If external lighting is required, the following must be demonstrated:*

- i. the lighting is necessary for operational, safety or security reasons;*
- ii. any light spillage beyond the application site is eliminated, or reduced by measures such as timing and proximity controls, orientation, screening, shielding or glazing;*
- iii. impact on nearby residential properties, wildlife, local heritage assets or the wider landscape is minimised; and*

iv. *the guidance on lighting provided in the Institution of Lighting Professionals (ILP) Guidance Note GN01: The Reduction of Obtrusive Light (and any subsequent revisions) is adhered to.*

C. *Proposals should consider carefully, and provide details of, the light source and intensity being used, the luminaire design, height, and angle, adding baffles and cut-off shields where required, and details of control mechanisms to dim or switch off lighting schemes when not required. Where appropriate, lights should be controlled by passive infrared detectors so that they only come on when needed.*

D. *The material, siting and size of glazing should be carefully considered to ensure that light spillage and reflection is minimised.*

The Wadhurst Design Code also includes guidance on lighting, with one key point relating to 'avoiding shining light on water bodies'.

The strategy set out above is considered to comply with the criteria as set out, by way of the mitigation proposed and measures to ensure light spill is minimised, and the use of smart glass technology, resulting in a final light spill which has been assessed against the existing baseline.

To reduce likelihood of negative impacts on the gull population and abandonment, the conditioning of site/people management strategy is considered important in addition to the other features that have now been accommodated into the building design and lighting mitigation/control measures.

The imposition of a planning condition requiring the details of the low-level lighting to be submitted would prevent the installation of flood and security lighting and prevent other external lighting other than that approved by the Council. It is considered such a condition would ensure that external lighting would be kept to a minimum and that the lighting could be controlled to be low level and directional.

While acknowledging the intensification proposed with an all year, 24/7 holiday let, given the existing use versus the proposed, the design put forward and the conditions which can be imposed would prevent any significant impact on the existing dark skies within the immediate area to warrant refusal. It is considered that light spill can be mitigated to an extent to protect the dark skies and the HWNL as a whole.

## **Major Development**

An objection has cited that the development should be considered as major within the parameters of the NPPF.

Paragraph 190 of the NPPF states:

*When considering applications for development within... National Landscapes, permission should be refused for major development other than in exceptional circumstances.*

For the purposes of paragraphs 190, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.

The previous proposal was not considered major, and the Inspector did not raise the issue either in the previously dismissed appeal. There is no reason for the LPA to

consider this differently now. The proposal is considered to be small scale within the context of Bewl Water, with localised impacts. The previous appeal covered the High Wald NL impact, and aside from the impact of light spill, did not consider the proposal to have a significant adverse impact visually.

## **Impact on Residential Amenity**

The nearest residential neighbours are some distance away. It is considered that the degree of separation between the Bistro building and nearby residential properties should ensure that there would be no significant impact on residential amenity.

While acknowledging the point made in objection letters about sound travelling across the reservoir, it is fact that the building can be used currently for events and functions which have the potential to create noise disturbance, unrestricted (in terms of planning control). While a 24/7 use is proposed in the form of the holiday lets, the units proposed are small, with a mix of one and two bed lets only. These size units are not considered to have the potential for larger groups staying, more akin to couples and families, and it would be anticipated that significant noise disturbances would be unlikely to emanate from the use of the holiday lets themselves.

There is a Noise Management Plan associated with the nearby camping use. An application relating to permanent use (WD/2023/1895/MAJ) was refused by the LPA, and the proposal was subsequently allowed at appeal (Appeal ref: APP/C1435/W/24/3343258). Within this appeal, the Inspector stated:

*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. (para 18)*

*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. (para 19)*

The Inspector was satisfied to condition this allowed appeal, ensuring the permitted campsite was managed and operated in accordance with the Noise Management Plan.

The Inspector in the dismissed appeal for the previous proposal at the Bistro building also noted:

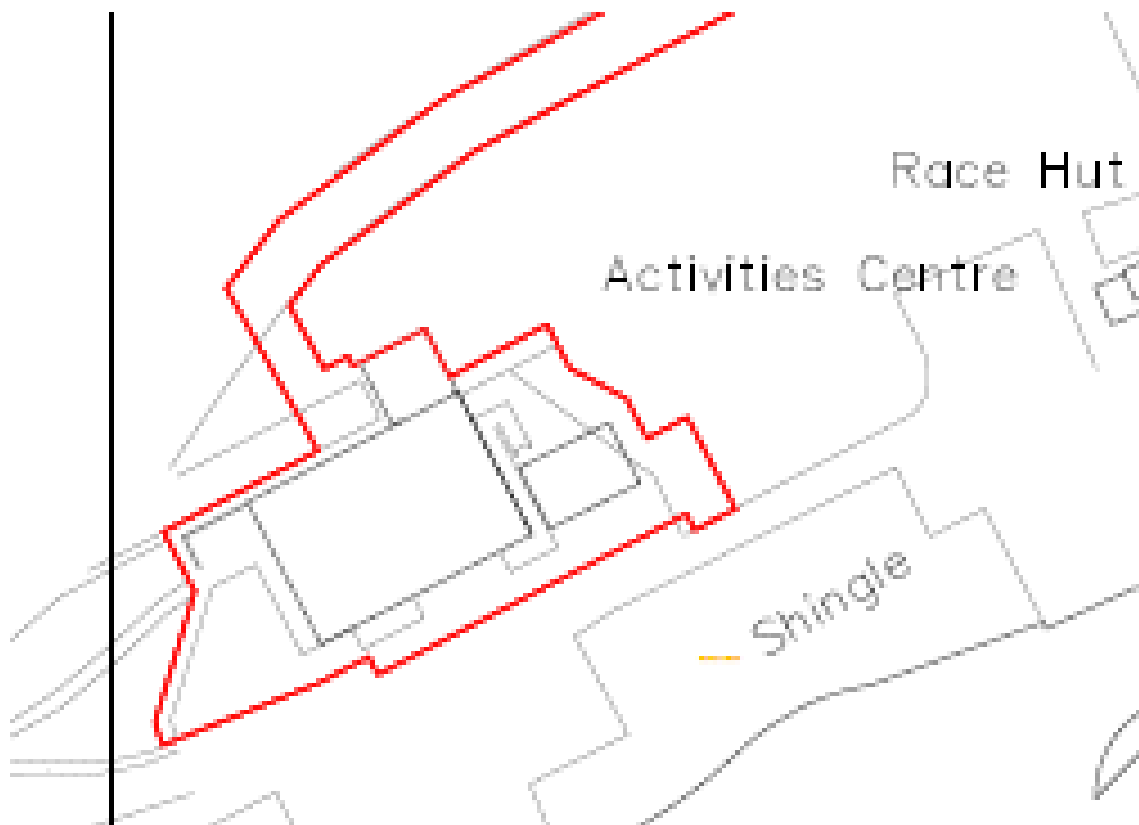
*No evidence has been presented of there being an existing issue in terms of noise and disturbance at the reservoir. Notwithstanding this, the appellant has confirmed they would extend an existing Noise Management Plan (NMP) that is in place for the nearby temporary camping use and apply it to this development. I understand that this NMP has been effective in managing any noise complaints at the nearby camping site, which provides assurance that such measures have been effective in limiting the impact on the HWNL with regard to noise and disturbance. I have also had regard to the fishing lodge appeal decision, which similarly included a condition*

*for a management plan to be submitted to control the use of that building in respect of noise and disturbance. (para 22)*

*Finally, I acknowledge and give weight to the existing use not being subject to any restrictions and, whilst not the case currently, could also be used all year round. The imposition of a condition requiring the management plan would, therefore, be a demonstrable enhancement when compared to the existing situation. (para 23).*

As mentioned previously, the applicant has offered to extend the noise management plan to the management of the holiday lets themselves – the campsite rules include all under 21s must be accompanied by an adult, no hen or stag groups, strict no noise policy after 10pm and strictly no swimming in the reservoir. Some of the rules might be considered unenforceable, and could be dealt with under other legislation (Environmental Health noise nuisance for example). In addition, the red site area for the proposal is drawn tightly around the building (see below).

#### **Site location plan with red line**



The impact of this is that other issues which might have been considered a potential nuisance – BBQs, fireworks, etc, would not be realistically close to the building itself and a condition could not control these issues if they occurred outside of the red site area.

However, a condition requiring details of such a Plan would be required in this instance. The recent appeal for the fishing lodge to be converted to holiday lets included a plan for a Management Plan to be submitted, including the following –

- The person booking (and subsequently staying at the accommodation) must be over 21. Anyone under 21 must be accompanied by an adult.
- No large groups, stag or hen parties.

- No playing of amplified instruments.
- No amplified music with the doors or windows open.

*All bookings would be made via the website and, in order to complete the booking process, customers will have to agree to the terms and conditions of booking. In addition, it is stated that overnight security staff are in place all year round. If there is anything unusual during this shift, the security staff will investigate and have authority to take appropriate action to locate and remove the noise source.*

It is considered that subject to the safeguards above, the concerns regarding noise on the site would not give rise to significant impact on residential amenity, given the scale and nature of the development proposed, to warrant refusal of the application.

## **Highways and Access**

This remains as existing, with access (as per the general arrangement for visitors to Bewl) being from Bewlbridge Lane, and allocated parking is provided within the existing car park in close proximity to the Bistro. 1 no car parking space has been identified adjacent to Flat 4 which is the accessible apartment within the scheme.

The Design and Access statement contends that this proposal limits the number of vehicles close to the waterfront and avoids vehicles sitting overnight adjacent to the waterfront, and this view is concurred with, utilising existing hardstanding space without creating further nearer the shoreline.

ESCC Highways have been consulted, and are satisfied that the submitted trip generation, which estimates that there will be approximately 66 movements per day generated by the proposed development, is acceptable, noting there would be a net reduction in trip making of around seven trips per day compared to the existing / permitted use, and this would not result in a significant impact on the local highway network, with a relatively insignificant amount of traffic being generated by the proposal. There is also an adequate number of car parking spaces being provided for the proposal.

22 cycle parking spaces across three levels are being provided, and this is in accordance with the County Council's guidance. There is minor concern at cycle storage which is not at ground level, and the County Council requires cycle parking to be in a safe, secure and covered location. Further details of cycle parking facilities, including the layout and dimensions of the spaces, can be secured as a condition.

The applicant has previously indicated the refuse collection will remain as existing with a representative from the site management relocating bins from the store area to the collection area, and this is considered acceptable.

The proposed development would not result in a significant increase in vehicle movements associated with the scale of the proposed development. This would not warrant a ground for refusal despite concerns regarding comings and goings from site.

## **Heritage**

The Council has a duty to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses (Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990). This requirement is reinforced by the National Planning Policy Framework (NPPF), which at Chapter 16, sets the national agenda for 'Conserving and enhancing the historic environment'.

The Old Farmhouse, Beaumans Farm House and Beaumans Oast are sited across the reservoir to the south, these are Grade II listed buildings. It is considered that a settings exercise in this case would not be proportionate to the application proposals for modification of existing built form and the separation distance from the designated heritage asset.

The heritage impacts were considered by the Inspector in the dismissed appeal, and they stated:

*In view of the proposal converting an existing building using similar materials, I find that the building would have a similar appearance to the existing situation ensuring there would not be any harm to the significance of the aforementioned listed buildings and their settings.(para 41).*

Consideration has been given to potential impact this time around, and it is concluded that the proposed development would be seen within its existing context and the alterations would not be harmful to the significance of the listed buildings across Bewl Water through development within their wider setting (which was altered radically by the creation of the reservoir).

## **Arboriculture and Landscaping**

Policy EN13 of the Wealden Local Plan 1998 states the Council will resist development proposals that involve the clear felling or otherwise prejudice the ecology of Ancient Semi-Natural Woodlands,

Ancient woodland is located adjacent to the siter, however it is noted that the existing road provides a buffer, and it is also acknowledged that the building is existing, and while there are some alterations, these are at higher level and in areas of the building which are outside of the 15m buffer zone. Measures to protect the ancient woodland from construction impacts can be conditioned, in the form of a Construction Environment Management Plan.

At the request of the LPA, further information has been provided with regard to trees nearby, with two small trees only requiring removal. The trees do not have potential roosting features and their removal is considered acceptable.

## **Ecology and Biodiversity**

Paragraph 187 of the NPPF ensures that planning policies and decisions should contribute to and enhance the natural and local environment, including protecting and enhancing valued landscapes, sites of biodiversity, recognising the intrinsic character and beauty of the countryside, and minimising impacts on and providing net gains for biodiversity.

Paragraph 193 refers to planning decisions applying the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Policy EN15 of the Wealden Local Plan 1998 states the Council will seek to safeguard designated nature conservation sites by resisting development or land use changes which would be likely to adversely affect their nature conservation value. The weight to be afforded to nature conservation interests will have regard to their status.

A bat assessment survey and subsequent bat emergence survey found no evidence of bat, European protected species, roosting within the building subject to the application. The bat emergence survey found a high level of bat activity in the area over the building and adjacent woodland and open water. The report recommends a list of bat enhancement measures including bat roosting features in roof space, bat access tiles/points, soffit access, wall bricks and bat boxes in buildings/trees, and these could be secured by a suitably worded condition.

A condition can also ensure that the development is suitably fenced-off during development without impacting on protected species movements, to prevent disturbance. External lighting details and ecological enhancements can be sought by condition.

An ongoing contentious point that is evident with the objections received, is the impact of the proposal on the bird population. This has been the subject of lengthy discussions with the LPA Biodiversity Consultant, and potential impacts have been identified in a recent study commissioned by a third party, which examined the effects of human disturbance at other gull roost sites and the potential impacts on the gull roost at Bewl Water in the event of increased public access and recreational use of the site.

Following the recent submissions of the gull study, the main issue to consider is whether the development in its submitted form, presents an impact of such detriment that refusal would be the option, or whether, taking into account mitigation that could be applied through stringent conditions, the impacts can be considered to be acceptable and are outweighed by the benefits the proposal would bring.

The submitted gull report (Phelps 2023), identified a number of points. It concludes there are no suitable alternative sites (large waterbodies) in the vicinity for gulls and temporary or permanent disruption to the roost at Bewl threatens the long-term persistence of the wintering gull population in this region. The report finds evening or overnight disturbance - in the form of sudden and unexpected noise events - can lead to partial or total abandonment of sites by roosting gulls and other wild birds.

But where strict rules relating to evening or overnight disturbance are in place and adhered to, there are deemed to be little to no discernible impacts on the gull roost and other wildlife usage of the site. The site is adjacent to Bewl Water, a large waterbody that sometimes supports tens of thousands of both amber-listed Common Gull and Black-headed Gull gathering in the winter months and the report states site abandonment would have potentially internationally negative ramifications when it comes to the populations of both species.

The report states that in the event of any proposed further development of tourist and recreational infrastructure, and associated human disturbance, it would be prudent to, at the very least, install rigorous measures to minimise or prevent any such disturbance events.

Examples given include further zoning of areas of the reservoir, no-go areas, soundproof screening, strict curfews on noise levels and activity close to the shoreline, enforcement by on-site security staff.

The findings of the Phelps report were built upon in a report authored by David Campbell, an independent ornithologist & ecological consultant. The report was commissioned by the Parish Council and issued in May 2025, and its aim is to provide expert ornithological evidence on the impacts of recreational activity on the internationally significant gull roost at Bewl Water.

The report updates the research as carried out by Phelps (2023), and sets out a number of recommendations to manage recreational use of the reservoir, including time restrictions for water based activities, noise pollution restrictions, and lighting restrictions.

Existing evening disturbance from the existing bistro/bar has been noted in previous consultation, which has historically included, at times, evening disco lights partially lighting the reservoir and outside fireworks causing direct noise and light disturbance on roosting gulls.

The proposal would eliminate these particular examples – through lighting conditions, the replacement of the club room (which could in theory host more events that might include amplified music and disco lights than it appears to currently do, without restriction) with then modest sized holiday lets. Also, this is historically an existing building on the site that can be used at night without restriction (despite objectors noting it is not used often for events), with light emitting from the building and activity in and around the building. It can be argued that due to the size of the holiday lets (i.e. not suitable for larger groups to stay), the activity from the proposed use would be less than for uses on a larger scale (events, functions, meetings etc) which could occur in the evening, albeit likely to not be as often as the proposed use.

The design proposals and the lighting assessment sets out the measures in place to mitigate light spill from the building. This includes:

- An overhang on the roof, with an angled soffit, to contain some light spill from internal rooms.
- Set back windows in relation to the balcony.
- Smart glass technology, which would allow for zero light transmission at a predetermined time.
- Angled louvres for balcony balustrading, helping to further reduce light spill.

In addition with regard to noise impacts, as mentioned above, the applicant is proposing to extend a site management strategy currently in place for the camp site to also manage the accommodation proposed for the Boat House to ensure that noise disturbance from the building is strictly controlled. The agent points out this could be conditioned. The gull report states it is not possible to know the exact level of disturbance that may be caused by such development at Bewl Water.

The Inspector with the previous appeal dismissed the proposal on the grounds of inadequate light spill mitigation upon the HWNL, and the lighting element and light spill issue is discussed earlier in this report. However, the lighting can also be applied in terms of having an impact upon the overwintering birds.

The previous submission did not include a lighting assessment, and when officers recommended approval, a condition was proposed requesting details of reflective glazing and smart glass technology. Ultimately the application was refused, and dismissed at appeal, with the Inspector, in noting the proposed conditions and design details in the scheme put forward at appeal stage, stated:

*There is no evidence before me on the difference in light spill impact between the existing and proposed use, and whether the smart glass and other measures would address it to an acceptable level. Without this, it is difficult to come to an objective conclusion that the proposed smart glass and other measures would be effective in ensuring the HWNL dark skies are not adversely affected by the scheme including a proposed increase in openings on the building's most prominent elevation within the HWNL. (para 15).*

The Wadhurst Design Code includes guidance on lighting, with one key point relating to 'avoiding shining light on water bodies'.

The strategy set out above is considered to comply with the criteria as set out, by way of the mitigation proposed and measures to ensure light spill is minimised, and the use of smart glass technology, resulting in a final light spill which has been assessed against the existing baseline.

To reduce likelihood of negative impacts on the gull population and abandonment, the conditioning of site/people management strategy is considered important in addition to the other features that have now been accommodated into the building design and lighting mitigation/control measures.

The imposition of a planning condition requiring the details of the low-level lighting to be submitted would prevent the installation of flood and security lighting and prevent other external lighting other than that approved by the Council. It is considered such a condition would ensure that external lighting would be kept to a minimum and that the lighting could be controlled to be low level and directional.

For the above reasons, and while acknowledging the level of concern expressed at the impact on the bird population and wildlife as a whole, the view is taken that sufficient controls could be put in place to mitigate the harm, and the use as holiday lets would not have a detrimental impact on ecology.

Measures to protect the Local Wildlife Site and ancient woodland can be secured through conditions, in the form of a CEMP, and the lighting strategy, detailing exact locations and details of the lighting proposed, can also be secured by condition. Biodiversity enhancement can also be secured by condition.

The proposal would be liable for Biodiversity Net Gain, and a Metric has been submitted, with no metric errors. The metric shows an increase of 18.58% in BNG, mainly with the planting of urban trees. The BNG would be secured through the submission of a Biodiversity Gain Plan.

## **Flood Risk and Drainage**

The site is within Flood Zone 1.

Southern Water requires a formal application for any new connection to the public foul sewer to be made by the applicant or developer, and would request a condition is imposed regarding details to be submitted. Conditions can also be imposed on surface water, to ensure this is dealt with appropriately.

## **Other Material Considerations**

### **Existing water sports activities**

The current building at ground floor level comprises stores, WCs and changing rooms, offices and two shops. The first floor comprises an entrance terrace, bar and club room, with associated kitchen to the bar. This first floor would be given over to holiday let apartments.

The existing water sports facilities are contained at ground floor, as described above. At ground floor, the changing rooms will be altered and refurbished together with the provision of stores, office and small shop. Specifically, there will be a café/terrace in association with the café (proposed as a flexible space for water sports teams and groups to meet), a water sports shop, further meeting space, with upgraded male and female wet rooms and changing rooms, along with a disabled access WC.

Objections have commented that the facilities would be smaller than existing for users. The agent has responded to this, submitting an amended floor plan which shows the same level of provision being retained, with equal size changing room facilities on offer, and separate accessible changing rooms (as existing).

Paragraph 104 of the NPPF states:

*Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.*

As there is no loss of facilities, with upgraded facilities being provided, there is no requirement, under the NPPF policy, for an assessment to be submitted.

While noting the objections with regard to the facilities, water sports facilities are being retained, and it could be argued that the provision as shown on the plans would be equivalent to that being lost, and would in fact represent a better provision in terms of quality. Thus, it is considered an objection based on the water sport facilities being provided would not be grounds for a refusal in this instance.

Objection letters have commented on the potential for existing water sport clubs who use Bewl Water to be eradicated from the site. Another letter submitted requests a condition to ensure the continued operation of the rowing club at the site in general.

The agent has confirmed that there are no plans to remove any of the existing clubs who use Bewl Water as a whole for water based recreational activities, and has noted that the Bewl Water owners would be happy to discuss facilities and future running of clubs using the site, if concerns are raised directly with them. The agent has also confirmed that the proposed development is intended to financially support the site and assist in improving it for all users, including the sports clubs.

It is considered that a condition to retain certain water based activities would not be reasonable in this instance. The building in question retains facilities for water based clubs, but the issue of which clubs use them would be a private matter between the clubs and the owners of the site. It is not necessarily a planning matter, as the proposal does not specifically relate to any particular club and a condition relating to other land within the wider complex being retained for certain sports, or a condition requiring certain sports to be able to continue to operate at the site, would not meet the tests as set out for conditions to be imposed on a planning decision.

While a letter from the British Rowing Club contends that conditions can be imposed relating to land outside of the application site, this would still be related to the development in question – i.e. drainage works. A condition to ensure the continued operation of the Rowing Club at the site would not relate in any way to the application – as mentioned above, it is understood the owners have no plans to phase out clubs who use the facilities now, water sport facilities will still be provided, and the Bewl Rowing Club would need to liaise directly with the owners in respect of other land within the wider Bewl Water setting being utilised by the Rowing Club.

### **Consideration of the recent appeal for the conversion of the Fishing Lodge building (ref APP/C1435/W/22/3294192).**

WD/2021/0638/F proposed the conversion of an existing fishing lodge (to the west of the Bistro building) to provide 4 holiday lets. The proposal was refused on 4 February 2022, and was subsequently appealed. The appeal (Ref APP/C1435/W/22/3294192) was allowed on 21 February 2023. This is a material planning consideration in the determination of this particular application.

The Inspector considered the main issues to be:

- a) *The loss of accommodation that contributes to water based recreational activities at Bewl Water; and*
- b) *The dark skies of the High Weald Area of Outstanding Natural Beauty (the AONB).*

Within the Appeal Decision Notice, the Inspector also considered whether Bewl is a confirmed or potential national, European or International designated site and the importance of the bird breeds recorded at Bewl Water.

At paragraph 31 of the Appeal, it states:

*‘The site is not designated as a confirmed or potential national, European or International designated site to which the Council’s Biodiversity Officer could raise objection on ornithological grounds. Furthermore, neither bird species cited are listed as a species of principal importance in England in section 41 of Natural Environment*

*and Rural Communities (NERC) Act 2006. Although concern is raised to light pollution at night and activity during winter, there is historically an existing building at the site that could have been used at night with some light emitting from the building with activity in and around the building’.*

Some of these points, such as light pollution and the existing building, the imposition of a planning condition requiring the details of the low-level lighting to be submitted for their approval. The condition would also prevent the installation of flood and security lighting and prevent other external lighting other than that approved by the Council. I consider such a condition would ensure that external lighting would be kept to a minimum and that the lighting could be controlled to be low level and directional. are covered in the preceding sections of this report.

It was acknowledged with the previous application and also with this one, that meetings have taken place with Natural England regarding potential further designation of the site.

Objections to this application have also raised the question of the lack of a Habitat Regulation Assessment with this application.

Para 194 of the NPPF states:

*The following should be given the same protection as habitats sites:*

*potential Special Protection Areas and possible Special Areas of Conservation; listed or proposed Ramsar sites and sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.*

However, the site is not currently designated as a ‘potential SPA’ by Natural England. While there may be discussion around this, without a formal potential designation, there is no requirement for the LPA to give the same protection as it would to habitat sites.

Objections to the proposal have requested that any decision on this proposal should be held in abeyance, pending any Natural England decision on designation. However, this is not a feasible course of action – as stated above, the site is not being considered at this moment in time, and delaying a decision on a planning application for what could be a substantial time, At the very least until Natural England run a new Designations Programme, would not be appropriate.

What is important is that the application put forward is considered in relation to whether it is considered to be acceptable with regard to its impacts at this moment in time, and whether any mitigation measures put forward can make the proposal acceptable. This is all discussed in preceding sections of this report.

In addition, when considering the Fishing Lodge application, the Inspector is clear at paragraph 29 that any potential further designations would be a matter to be agreed by way of separate legislation.

It is important to note that in relation to the issue of birds, the Fishing Lodge is sited further away from the shoreline than the Bistro building is. The impacts on the bird population is covered in the ecology section above.

With the Appeal Decision, the Inspector notes that the Fishing Lodge is not an isolated building, positioned within an established recreation centre, surrounded by

other buildings and car parks. A similar view can be applied to the Bistro building, although noting it is closer to the shoreline than the Fishing Lodge is.

As mentioned above, conditions could be imposed to control external lighting, the type of glazing installed and the use of the building.

Concern has been raised regarding the proximity to the waters edge from a health and safety perspective. However, there is space between the water and the building, and this is a matter which must be considered as a responsibility of occupiers of the holiday lets – in theory the situation is not much different to health and safety concerns if the Bistro was to be used for functions occupied by a larger group of people.

### **Parish Council Consultation**

An independent consultation report, carried out as a joint venture between Wadhurst and Ticehurst Parish Councils, has been submitted to the LPA, The surveys intention was to garner public opinion of how Bewl Water should be treated in terms of its function, and asked questions relating to public visits, expectations of the area, and views on future plans for the site. The survey also asked for public awareness of the owners intentions, by way of their consultation on a 'Masterplan' for the site.

A community survey can be relevant as part of the overall planning balance, particularly insofar as it evidences the nature and strength of local concerns. However, it is not, in itself, a technical assessment of matters such as lighting impacts, ecological effects, habitats regulations implications, or biodiversity net gain calculations. Where those matters are in issue, the decision must be grounded in the submitted technical evidence, consultation responses from statutory and specialist consultees, and the development plan and other material considerations.

The planning decision must be based on the statutory development plan and other material considerations, supported by objective technical evidence where impacts are alleged. The recent appeal decision is part of that context.

As such, while acknowledging the survey results, the report as written is based on the current policy principles related to the proposal and relevant material considerations as set out.

### **Habitat Regulations Assessment**

The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 requires that where a plan or project is likely to result in a significant effect on a European site, and where the plan or project is not directly connected with or necessary to the management of the European site, as is the case here, a competent authority is required to make an Appropriate Assessment of the implications of that plan or project on the integrity of the European site in view of its conservation objectives. In so doing, an assessment is required as to whether the development proposed is likely to have a significant effect upon a European site, either individually or in combination with other plans and projects.

Assessment of likely significant effects on the Special Protection Area

The Ashdown Forest is an attractive semi-natural area which is close to the application site. Evidence in the form of visitor surveys carried out for the Council

demonstrates that it is residents living within 7km of the Ashdown Forest are likely to visit it.

The application site is beyond the 7km distance and as such, the evidence held does not provide a pathway of effect for recreational disturbance.

Given the above analysis, an Appropriate Assessment, in accordance with Regulation 63 of the Habitats and Species Regulations, is not required to consider the implications of the proposal for the integrity of the SPA in view of the conservation objectives.

#### Assessment of likely significant effects on the Special Area of Conservation

The qualifying features underpinning the SAC designation are the presence of European dry heath, North Atlantic wet heath and great crested newts. The conservation objectives for the SAC can be summarised as ensuring the favourable conservation status of its qualifying features by, amongst other things, maintaining or restoring qualifying habitats.

NE's supplementary advice on conserving and restoring the SAC, linked to the PPG, explains that the heathland habitat of the Ashdown Forest is sensitive to changes in air quality. Exceedance of 'critical values' for air pollutants may modify its chemical substrate, accelerating or damaging plant growth, altering its vegetation structure and composition and causing the loss of typical heathland species. Accordingly, the application development could result in an impact pathway that could adversely affect the SAC if it contributes to an exceedance in critical values.

The heathland habitat in the Ashdown Forest SAC is vulnerable to atmospheric pollution from several sources including vehicle emissions from motor vehicles. There is a potential impact pathway from increased traffic flows associated with new development on the roads which go through, or run adjacent to, the SAC. Many of the characteristic plants, mosses and lichens of heathland habitats are adapted to nutrient poor conditions and extra input of nitrogen can disadvantage these characteristic species in favour of others with a greater tolerance of higher nitrogen levels.

The Council had proposed a new Local Plan in 2019 which sought to deliver 14,228 homes and 22,500 square metres of business floorspace (now withdrawn). Considering the effects of that quantum of growth, NE was satisfied that this would not adversely affect the integrity of Ashdown Forest Special Area of Conservation (SAC), Lewes Downs SAC from air quality impacts. NE's advice regarding air quality is that this conclusion can be reached without mitigation measures being needed under the specific requirements of the Habitats Regulations. The advice is based on the evidence provided, their expert knowledge of the particular characteristics, interest features and management of the designated sites in question and professional judgement.

The development proposed is also considerably less than the quantum of growth promoted in the Submission Wealden Local Plan 2019 and considered by NE. For the reasons set out above, when considered on its own or in combination, the proposed development would not adversely impact on the integrity of the protected European Sites. It is noted that Natural England do not and have never objected to the application.

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## Planning Balance and Conclusion

There is no doubt that Bewl Water is a tourist destination in its own right and is a major reason for people to visit this part of the region. The importance of Bewl Water to the region's tourism industry is long established and the activities, facilities and events available at Bewl are constantly improving to respond to visitor's needs and demand. The proposals will provide more flexibility in the length of time spent within the Bewl Estate, which in turn will encourage greater spending both on site and within the surrounding local area.

The site lies within a remote and unsustainable location where access is by car. It is acknowledged that the NPPF highlights the importance that the Government attaches to sustainable development. However, this proposal is for holiday accommodation at an existing leisure destination and to form an integral part of facilities on offer at Bewl. The matters in favour of the development in principle, such as the support expressed both in the NPPF and in development plan policies to the general principle of supporting the rural economy and the role that the provision of tourist accommodation can play in this aim, does weigh significantly in the planning balance.

There is little within the development plan policies or the NPPF which precludes the principle of new tourism facilities within the countryside. The application therefore falls to be considered in terms of its compliance with other national and local policies (and all other material considerations) regarding its visual and other impacts within the NL where the highest level of protection to be afforded to the landscape is of paramount importance.

The scheme would provide valuable tourism facilities, which is encouraged by local and national planning policies (subject to other considerations of course).

Weighing against the scheme is the limited availability of alternatives to the private car and support to rural services. These carry limited weight due to the fact holiday accommodation is proposed, which is often found in locations where there is little option other than the use of the private motor car to access.

The scheme is also proposed in a sensitive location for wildlife, in particular bats foraging in the nearby wooded areas and birds roosting on the nearby body of water. Mitigation is proposed and can be secured through the careful wording of planning conditions.

Weighing in favour is the contribution of 11 units towards providing for high quality tourism accommodation in a beautiful rural setting, and the benefits this will bring to the economy of Bewl Water and the wider locality in general.

The proposal also allows for the upgrade of current water sport facilities at the site, to benefit both the general public and also members of water sport clubs.

The previous appeal decision was dismissed on a narrow and specific issue, namely the absence of objective and robust evidence to demonstrate that light spill could be adequately assessed and controlled to avoid harm to dark skies and the special qualities of the High Weald National Landscape. The Inspector's decision made clear that the determinative issue was the evidential gap around lighting impacts and the effectiveness of the measures proposed.

This fresh submission includes a detailed lighting assessment, which fills that ‘gap’ between existing baseline surveys, and future light pollution when applying the mitigation measures as set out.

The view is taken that with a suitable suite of conditions, the proposal will not result in harm to the HWNL, and the conditions can secure acceptable mitigation for any impacts caused.

Bewl Water is an existing leisure destination and the change of use and extension of the building to form holiday accommodation units is compliant with both national and local planning policy. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The proposed holiday lets would make a small scale contribution to tourism accommodation in the area. The development would not be harmful to the NL and there would be no significant impact on local residents. Ecology mitigation measures can ensure then impact on wildlife is limited. Existing water facilities would be retained and upgraded.

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## Recommendation

Full planning permission BE GRANTED, subject to the conditions below.

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## Conditions and Informatives

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date on which this permission is granted.

REASON: To meet the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

0001 Rev P30001 Rev P3	Site Plan		24 June 2025
0100 Rev P5	Block Plan	Proposed Site Plan	24 June 2025
1140 Rev P5	SUPERSEDED Floor Layout	Proposed Ground Floor Plan	24 June 2025

1142 Rev P5	Floor Layout	Proposed Second Floor Plan	24 June 2025
1143 Rev P4	Roof Layout	Proposed Roof Plan	24 June 2025
3140 Rev P6	Elevations	Proposed Elevations Sheet 1	24 June 2025
3141 Rev P6	Elevations	Proposed Elevations Sheet 2	24 June 2025
3142 Rev P1	Elevations	Proposed Elevations Apartment 4	24 June 2025
SK3100 Rev P3	General Plan	Proposed Glazing Proportion	18 July 2025
1141 Rev P7	Floor Layout	Proposed First Floor Plan	25 July 2025
1140 Rev. P6	Floor Layout	Proposed Ground Floor	4 December 2025

REASON: For the avoidance of doubt and in the interests of proper planning.

The local planning authority's reasons for its decision to grant planning permission are set out in the officer's report which can be viewed on the Council's website at <https://planning.wealden.gov.uk>

NOTE: Should alterations or amendments be required to the approved plans, it will be necessary to apply either under Section 96A of the Town and Country Planning Act 1990 for non-material alterations or Section 73 of the Act for minor material alterations. An application must be made using the standard application forms and you should consult with us, to establish the correct type of application to be made.

3. All external materials, used in the external works of the development hereby approved shall match the type, texture, tone, colour, size and profile of those used on the existing building and shall be retained permanently as such.  
MA03

REASON: To safeguard the appearance of the building and the character of the area generally and to enable the Local Planning Authority to properly consider and control the development, having regard to Spatial Planning Objectives SPO2 and SPO13, and Policy WCS14, of the Wealden Core Strategy Local Plan 2013, Saved Policy EN27 of the Wealden Local Plan

1998, coupled with the requirements of paragraph 130 of the National Planning Policy Framework 2024.

4. The development shall not be occupied until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water. The approved drainage works shall be completed prior to the completion or occupation of any dwelling on site, whichever is the sooner.  
DF01

REASON: In order to secure a satisfactory standard of development, having regard to Spatial Planning Objectives SPO12 and SPO13, and Policy WCS14, of the Wealden Core Strategy Local Plan 2013; Saved Policy CS2 of the Wealden Local Plan 1998; coupled with the requirements of the National Planning Policy Framework 2024.

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.) HL01

REASON: To maintain the availability of the site as short term holiday tourist accommodation, having regard to Spatial Planning Objectives SPO2 and SPO13, and Policy WCS14, of the Wealden Core Strategy Local Plan 2013; Saved Policies EN27 of the Wealden Local Plan 1998, coupled with the requirements of the National Planning Policy Framework 2024.

6. A register of all guests using the holiday lets 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. HL03

REASON: To maintain the availability of the site as short term holiday tourist accommodation, having regard to Spatial Planning Objectives SPO2 and SPO13, and Policy WCS14, of the Wealden Core Strategy Local Plan 2013; Saved Policy EN27 of the Wealden Local Plan 1998, coupled with the requirements of the National Planning Policy Framework.

7. The development shall not be occupied as a person's sole or main place of residence.

REASON: To maintain the availability of the site as short term holiday tourist accommodation, having regard to Spatial Planning Objectives SPO2 and

SPO13, and Policy WCS14, of the Wealden Core Strategy Local Plan 2013; Saved Policy EN27 of the Wealden Local Plan 1998, coupled with the requirements of the National Planning Policy Framework.

8. Prior to the first occupation of the holiday lets hereby approved a Management Plan, specifically to address human noise and light disturbance and measures to ensure prevention, especially between October -March evening and night time hours, and to include timetables for implementation of management, shall be submitted for the written approval of the Local Planning Authority and the accommodation shall be managed to ensure compliance with the management measures outlined.

REASON: To mitigate ecological impacts of development and prevent impacts to local wildlife site designation features, in accordance with local and national policy. Ref: Wealden District Core Strategy Local Plan 2013, policy WCS12 Biodiversity, Natural Environment and Rural Communities Act 2006 and guidance contained within the National Planning Policy Framework 2024.

9. No artefacts, equipment or structures, such as garden furniture, play equipment or statuary, shall be introduced into any open areas within the site around the building in association with the holiday accommodation hereby approved.

REASON: To prevent proliferation of domestic paraphernalia in the rural locality having regard to SPO2, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policy TM1 of the adopted Wealden Local Plan 1998, coupled with the requirements of the National Planning Policy Framework 2024.

10. Before use in the development hereby approved, details of the air source heat pumps to include the rating of the proposed plant and any attenuation required to either meet or be below 30dB (considered the typical night-time background noise level for this area) shall be submitted to and approved in writing by the Local Planning Authority, and the works carried out in accordance with the approved detail and thereafter retained.

REASON: To protect rural and residential amenities, having regard to SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policy EN27 of the adopted Wealden Local Plan 1998, coupled with the requirements of the National Planning Policy Framework 2024.

11. Prior to the first occupation of any holiday let hereby approved, the mitigation as set out in chapter 9 of the details of the Lighting Impact Assessment date

stamped 24 June 2025,,shall be installed as per the specifications, and retained in perpetuity.

REASON: To mitigate ecological impacts of development and prevent impacts to local wildlife site designation features and protected species, in accordance with the Conservation of Habitats and Species Regulations 2017 and Wildlife and Countryside Act 1981 (as amended), local and national policy, ref: Wealden District Core Strategy Local Plan 2013, policy WCS12 Biodiversity, Natural Environment and Rural Communities Act 2006 and guidance contained within the National Planning Policy Framework 2024.

12. No floodlighting, security lighting or other external means of illumination of the site shall be provided, installed or operated in the development, except in accordance with a detailed scheme which shall provide for lighting that is low level, hooded and directional, and has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and retained thereafter.

REASON: To preserve the rural and residential amenities of the locality and to prevent impacts upon and provide ecological mitigation for protected species and the Local Wildlife Site, having regard to Spatial Planning Objectives SPO2, SPO12 and SPO13, and Policy WCS14, of the Wealden Core Strategy Local Plan 2013; Saved Policies EN6/EN8 (delete as applicable), EN27 and EN29 of the Wealden Local Plan 1998; coupled with the requirements of the National Planning Policy Framework.

13. No works shall commence on the development hereby approved, until a Construction Environment Management Plan (CEMP) has been submitted to and approved by the Local Planning Authority.

The CEMP should include the measures detailed in the Preliminary Ecological Appraisal, and in addition the following measures::

- a) Map showing the location of all ecological features
- b) Risk assessment of the potentially damaging construction activities
- c) Practical measures to avoid and reduce impacts during construction, specifically in relation to bats, amphibians and reptiles.
- d) Location and timing of works to avoid harm to biodiversity features
- e) Responsible persons and lines of communication
- f) Use of protective fencing, exclusion barriers and warning signs.

REASON: To identify and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by

the development, and to ensure the protection of designated areas in close proximity to the site, having regard to Spatial Planning Objectives SPO1, SPO2 and SPO13, and Policies WCS12 and WCS14, of the Wealden Core Strategy Local Plan 2013; coupled with the requirements of the National Planning Policy Framework.

14. Prior to external works commencing on the development hereby approved, a detailed Landscaping and Ecological Management Plan (LEMP), prepared in accordance with the approved Biodiversity Gain Plan, which shall include a programme for the implementation of the works and long term management (being not less than 30 years), shall be submitted to, and approved in writing by, the Local Planning Authority. This detailed scheme shall include:
  - i. Measures specifically to address retention and enhancement of the site's ecological connectivity;
  - ii. Works to all areas of retained habitat and an agreed future management and maintenance strategy for all habitats on the site, including enhancement areas;
  - iii. A scheme for human access restrictions to the retained and created habitats.
  - iv. A schedule for monitoring to occur in years 2, 5 and every 5 years thereafter for 30 years.

Thereafter, the scheme shall be completed in accordance with the approved plans and programme to the satisfaction of the Local Planning Authority and the management and maintenance arrangements shall be carried out in accordance with the approved details over the period specified.

REASON: To identify and ensure the protection of important habitat, and the survival and protection of important species and those protected by legislation that could be adversely affected by the development, having regard to Spatial Planning Objectives SPO2 and SPO13, and Policy WCS14, of the Wealden Core Strategy Local Plan 2013; Saved Policies EN14 and EN27 of the Wealden Local Plan 1998; coupled with the requirements of the National Planning Policy Framework.

15. The development works shall be undertaken in accordance with the precautionary working measures and ecological protection measures recommended in section 4 of the submitted Preliminary Ecological Appraisal date stamped 24 June 2025.

REASON: To identify and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development, having regard to Spatial Planning Objectives SPO1, SPO2

and SPO13, and Policies WCS12 and WCS14, of the Wealden Core Strategy Local Plan 2013; coupled with the requirements of the National Planning Policy Framework.

16. Prior to preparation of ground levels for the construction of the development hereby approved, a scheme for the enhancement of the site for biodiversity purposes, in accordance with section 4 of the submitted Preliminary Ecological Appraisal date stamped 24 June 2025, 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 so retained.

REASON: To identify and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development, having regard to Spatial Planning Objectives SPO1, SPO2 and SPO13, and Policies WCS12 and WCS14, of the Wealden Core Strategy Local Plan 2013; coupled with the requirements of the National Planning Policy Framework.

17. There shall be no amplified or percussive music of any form (including discos) within the development hereby approved. N03

REASON: To protect residential amenity and wildlife, having regard to Spatial Planning Objective SPO13 and Policy WCS14 of the Wealden Core Strategy Local Plan 2013; Saved Policy EN27 of the Wealden Local Plan 1998; coupled with the requirements of paragraphs 130, 174 and 185 of the National Planning Policy Framework 2024.

18. Before first use/occupation of the holiday lets hereby approved, the existing car parking spaces shown to the north of the building and within the red site area on drawing no.02622 0001 P3 date stamped 24 June 2025 shall be provided for the use of the holiday lets and thereafter shall be retained for such purposes to the satisfaction of the Local Planning Authority.

REASON: In the interests of and for the safety of persons and vehicles using the premises and/or the adjoining road and in order to secure a satisfactory standard of development, having regard to Spatial Planning Objectives SPO13 and Policy WCS14 of the Wealden Core Strategy Local Plan 2013; Saved Policies EN27, TR3 and TR16 of the Wealden Local Plan 1998; coupled with the requirements of the National Planning Policy Framework.

19. Notwithstanding the cycle storage details shown on the application particulars, the development shall not be occupied until details of the cycle storage areas

have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the cycle parking facilities shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

REASON: In order that the development site is accessible by non car modes and to meet the objectives of sustainable development having regard to SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policies EN27, TR3 and TR16 of the adopted Wealden Local Plan 1998, coupled with the requirements of the National Planning Policy Framework 2024.

20. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no buildings, structures or works as defined within Part 1 of Schedule 2 of that Order, shall be erected or undertaken on the site.

REASON: To enable the Local Planning Authority to regulate and control the development of land and to protect the residential and visual amenities of the locality having regard to Spatial Planning Objective SPO13 and Policy WCS14 of the Wealden Core Strategy Local Plan 2013; Saved Policy EN27 of the Wealden Local Plan 1998; coupled with the requirements of the National Planning Policy Framework.

21. The watersport facilities shown on shown on drawing ref 02622\_1140 P6 date stamped 4 December 2025 shall be completed and made available prior to the first occupation of any of the holiday lets hereby approved, and shall be retained thereafter for the use of watersport users at Bewl Water.

REASON: To ensure the appropriate retention of facilities for watersport users at the site, having regard to SPO1, SPO2, WCS12 and WCS14 to the Wealden Core Strategy Local Plan 2013, coupled with the requirements of the National Planning Policy Framework 2024.

### **INFORMATIVE – Biodiversity Net Gain**

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition (the biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and

(b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Wealden District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed in the Notes section below.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed in the Notes section below are considered to apply.

In summary: Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun (the overall plan), and before each phase of development may be begun (phase plans).

Please see Notes section below for further information in relation to the condition, exemptions, transitional arrangements, irreplaceable habitats and the effect of 73(D) of the Town and Country Planning Act 1990.

NOTE 1: The applicant is reminded that under the Wildlife and Countryside Act 1981 (Section 1) it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act. Trees, hedges, scrub and some built structures are likely to contain nesting birds between 1 Feb and 31 August. Trees, hedges and scrub present on the application site should be assumed to contain nesting birds between the above dates unless survey by suitably qualified ecologist immediately prior to works has determined nesting birds are not present.

NOTE 2: The applicant is reminded that it is an offence to disturb, damage or destroy protected species or their resting site under separate legislation. Planning consent for a development does not provide a defence against prosecution under UK and European retained wildlife law. You are advised that where likelihood of protected species exists, or mobile species may be present, it may be necessary for the applicant to commission an ecological survey from a suitably qualified and licenced ecologist to determine the presence or otherwise and impact upon protected species. If protected species are found, a suitably qualified and licenced ecologist and/or Natural England should be consulted.

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## **Contacts and References**

**Director:** Chris Bending, Director of Place

**Head of Service:** Stacey Robins, Head of Planning and Environmental Services

**Development Manager:** Samuel Batchelor

**Team Leader / Assistant Team Leader:** Stephanie Wood / Scott Carey

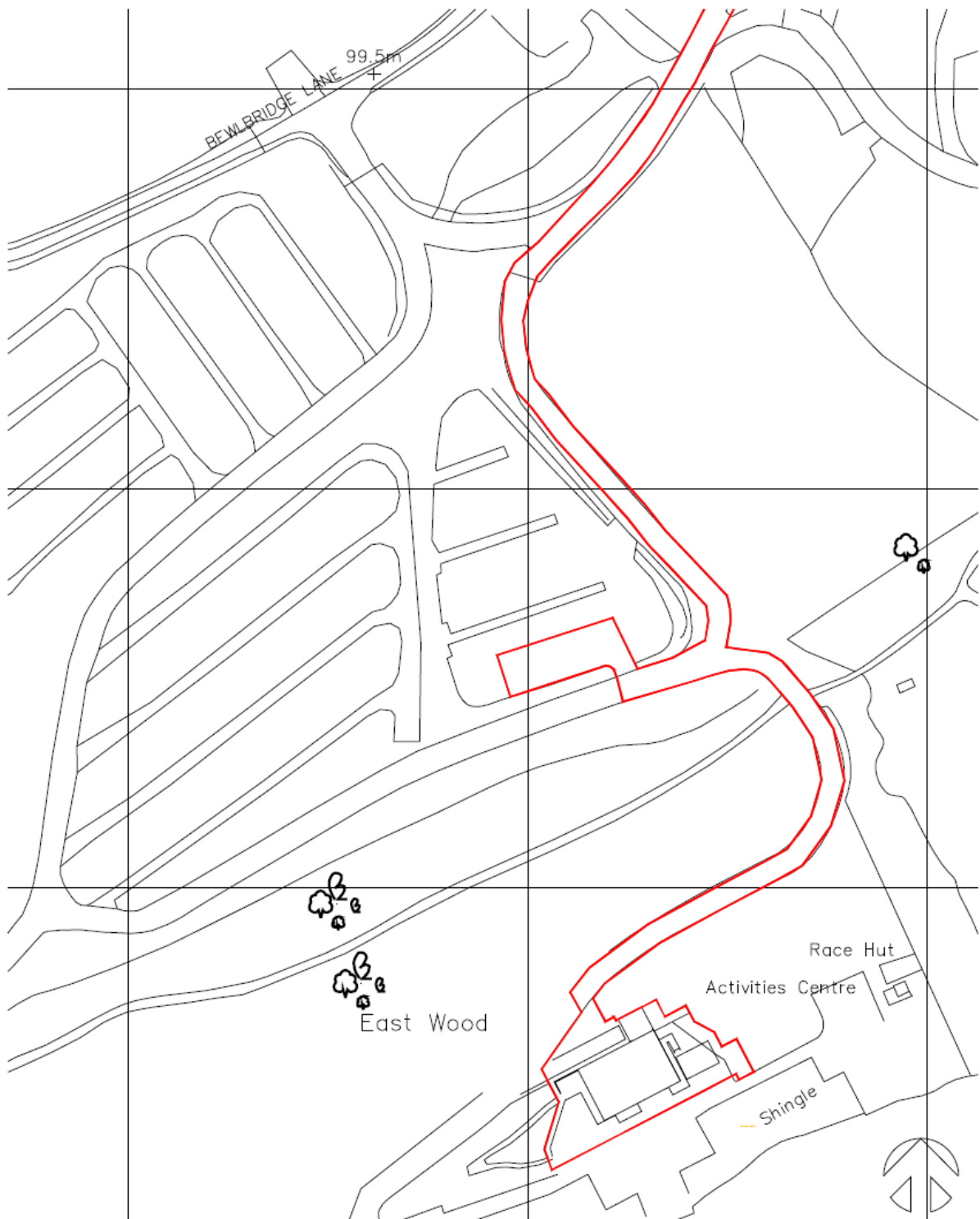
**Case Officer:** Scott Carey, Planning Officer

**Enquiries to:** Stephanie Wood / Scott Carey

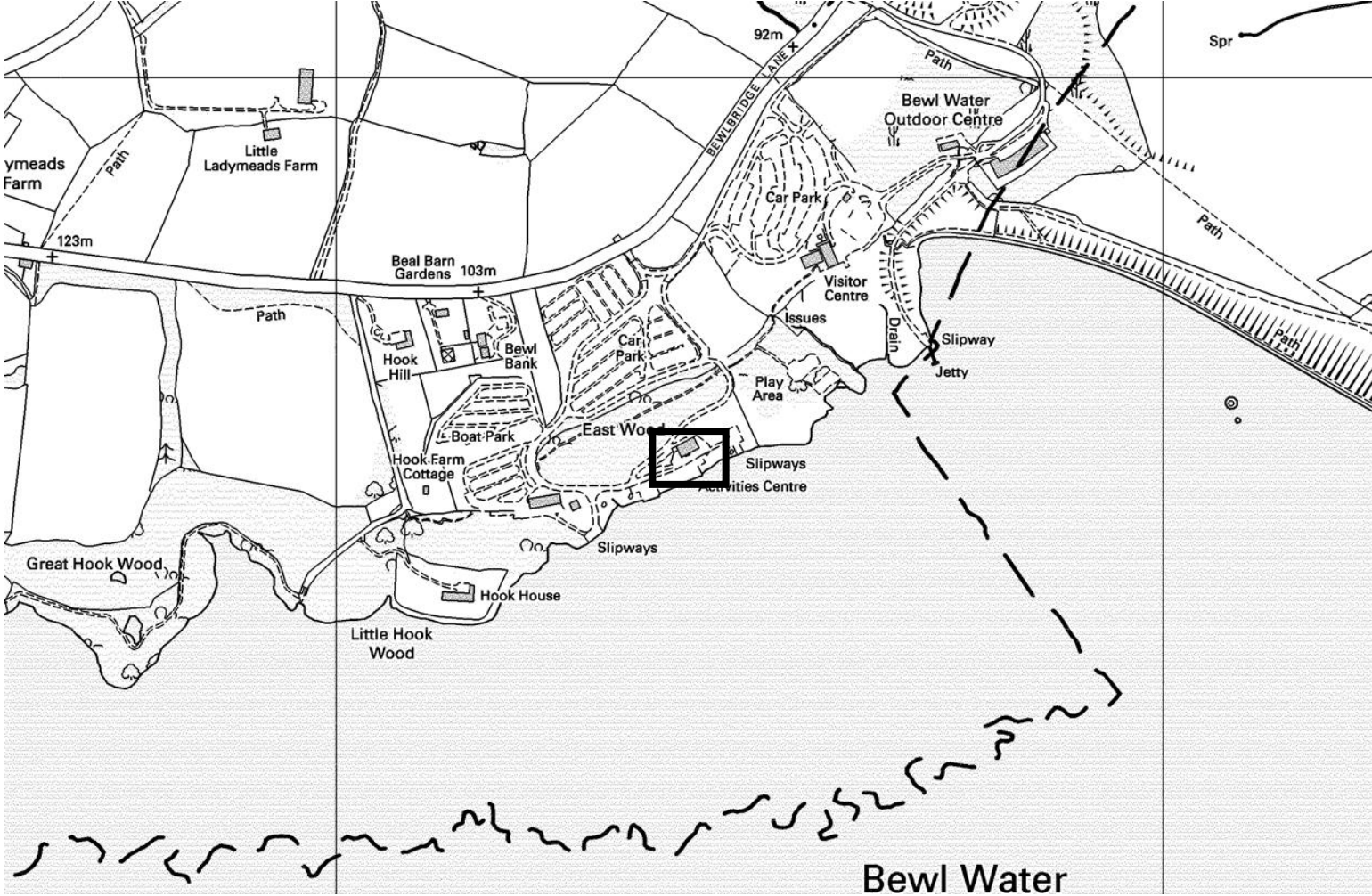
**Appendices:**

- A. Site plan
- B. 1:5,000 plan
- C. 1:25,000 plan

# APPENDIX A



Appendix B



Appendix C

