Wadhurst Parish Council v Secretary of State for Housing, Communities and Local Government & Ors [2025] EWHC 1735 (Admin)

This was an application under section 288 of the Town and Country Planning Act 1990 challenging the validity of a decision to allow two planning appeals. The first application was for planning permission to change the use of three parcels of land at Bewl Water, Kent, for seasonal use as a campsite. The second application was for planning permission to erect four yurts.

Facts

Bewl Water, a reservoir, provides various leisure opportunities and facilities, including walking and bike trails, water sports and a laser challenge zone. There is also a visitor centre with a cafe, multi-use space, toilets and an office. The appeal sites are on the northern side of the reservoir.

Bewl Water and the appeal sites lie within the High Weald National Landscape, which is designated as an Area of Outstanding Natural Beauty ("**AONB**") under the Countryside and Rights of Way Act 2000 ("**the 2000 Act**"). Section 85 of this act imposes a general duty on relevant authorities to seek further the purpose of conserving and enhancing the natural beauty of the AONB.

Grounds

The claimant's application for planning statutory review was on two grounds:

- Ground 1: Although the inspector mentioned the general duty under section 85(A1) of the 2000 Act in paragraph 10 of his decision**,** the claimant contended that the inspector erred in his approach to that duty. It was submitted that the inspector's decision gave rise to substantial doubt as to whether he asked himself the question posed by that duty, which was whether granting planning permission for the development proposed under the planning appeals would further the purpose of conserving and enhancing the natural beauty of the AONB; and if the proposed development would not do so, how could such development be justified in the light of the inspector's duty to seek to further that purpose.
- Ground 2: The claimant contended that the inspector failed to have proper regard to, properly to understand or to apply the policy of the High Weald AONB Management Plan 2024-2029 ("**the HWMP**") published on 27 March 2024 following its preparation in accordance with section 89 of the 2000 Act. In particular, the inspector's reasons raised a substantial doubt as to whether he had properly understood and applied the objectives of the HWMP in determining the planning appeals.

Judgment

In relation to Ground 1, it was common ground between the parties in this case that the amendments to section 85(A1) of the 2000 Act made by virtue of section 245 of the LURA strengthen the duty imposed on relevant authorities. The issue was whether the inspector appointed by the Secretary of State, who is a relevant authority, had erred in performing their duty under section 85(A1) of the 2000 Act by failing to ask the correct question or to give proper and adequate reasons to explain how that duty had been discharged.

The court held that the inspector had provided clear and adequate reasons for concluding that the proposal would not result in harm the landscape and scenic beauty of the AONB, and thus (following the recent decision in *New Forest National Park Authority v SSHCLG & Anor* [2025] EWHC 726 (Admin)) the proposal would further the purpose of conserving and enhancing the natural beauty of the AONB. The inspector's conclusion was founded on an assessment of the landscape and visual effects of the proposals, on the impact of the proposals on the tranquillity of the surrounding area and on the application of planning policies which shared the same objective of conserving and enhancing the natural beauty of the protected landscape.

The claimant submitted that the inspector had failed to follow Defra guidance by omitting to consider the information contained in the HWMP, including the objectives which have led to the landscape's designation as a protected landscape. The court rejected this submission and found it to be clear that the inspector did consider the HWMP (including the stated objectives) when assessing whether the proposed development would harm the natural beauty of the protected landscape of the AONB.

The court was overall satisfied that the inspector gave careful consideration not only to the effect of the proposals on the landscape and scenic beauty of the AONB but also to the extent to which seasonal occupation of the camping site and the yurts would diminish the tranquillity and unspoilt rurality of the surrounding countryside through noise and light pollution. Conditions were imposed to ensure that those characteristics of the AONB would be safeguarded.

On Ground 2, the issue lied in the inspector's reasoning that colourful tents, campervans and their associated paraphernalia "are often found in the countryside and would not be urbanising". The claimant stated that this reasoning provides clear evidence that the inspector had failed to have proper regard to the HWMP and misunderstood the policy which was to resist camping and glamping as forms of "urbanising" development in the AONB. The court rejected the claimant's submissions, noting that that the inspector's reasons must be read as a whole. The inspector's reasons were not indicative of any failure to take account of or to appreciate the policy position stated in the HWMP, reinforced by what the inspector said elsewhere in the decision. Ground 2 was, therefore, also rejected.

Conclusion

For the reasons set out above, the claimant's challenge was dismissed.

Case summary prepared by Nikita Sellers & Beatrice Carvalho