

Understanding planning permission in Burwash

The overall situation

- 1 The rules about planning permission in Burwash are determined by the policies set nationally, the policies set by the local authority, general practice and when in force the Burwash Neighbourhood plan. The rules are interpreted by the Planning Inspectors and the courts, and their decisions give help in determining the policies and how much weight should be given to the various factors in planning applications.
- 2 Most planning applications are dealt with by district councils. This note does not deal with those that are not dealt with by district councils. Burwash's district council is Rother District Council (Rother) in Bexhill.
- 3 There are two main types of planning decisions dealt with by Rother, a) 'Planning Applications' and 'Listed Building Applications'. The first is self-explanatory and the second is for alterations to a listed building or development 'within the curtilage of a listed building'. A listed building means a building or monument in the list kept by Historic England, a government body formerly known as English Heritage. Listings are either Grade I, Grade II* or Grade II.
- 4 There is a section on Rother's website to help users determine whether they need planning permission, <http://www.rother.gov.uk/article/10276/Do-I-need-planning-permission>

Planning applications for large developments

- 5 For large developments the procedure used by Rother is as follows. Those with a * are stages Rother wishes applicants to undertake.
 - a) Contact with Rother for pre-application advice*.
 - b) Consultation with the local parish Council*.
 - c) Consultation with the local community*.
 - d) The submission of the planning application with the fee.
 - e) Rother checks the application and if it is in order validates it.
 - f) Rother puts the application and supporting documents on their planning portal so the public and others can see them.
 - g) Rother fixes a pink notice at or near the site and usually sends a letter about the application to those living on or next to the site. The pink notice is in effect the starting gun for the consultation period. The notice gives the planning number and the end of the consultation period.
 - h) Rother informs the statutory authorities, like the Parish Council for the site, the police and East Sussex Highways authority. The Rother also informs interested parties like the High Weald unit and those who have signed up for their alert for new applications in their parish.
 - i) The public are given 21 days to comment, object or support the application. These comments etc. can be made on Rother's planning portal, by e-mail to Rother or in

writing. Comments and documents from the public and official bodies are posted on the planning portal.

- j) The planning committee of Burwash Parish Council considers the documents on the planning portal and comments on the proposal.
- k) Rother's planning officer for the application consider whether others should be consulted and whether more reports or documents are required by the developer.
- l) Rother planning officers draft an officer's report for the application. The report will set out the planning history for the site, the relevant law and principles, the representation received, their view on the main issues and their recommendation to Rother's planning committee. The recommendation is either to grant or reject the application.
- m) Once the recommendation has been made it will appear in the list of recommendations sent to the councillors. The is called a D notice. Unless the councillor for the area asks for the decision to be referred to the full committee the recommendation becomes the decision of the Council.
- n) If the application is to be decided by the planning committee, members of the committee, who are some of the elected councillors and one or more planning official look at site. The policy is that these site meetings should be held on the Tuesday before the committee meeting and the committee meeting should be on a Thursday. The group visits the sites by a coach.
- o) The planning committee meets and decides whether to grant or reject the application. They can, but rarely do, ask for more information and adjourn the decision. If an application is granted it is usually with conditions. If the application is rejected the committee sets out the reasons for the refusal.

Appeals

- 6 The applicant can appeal a refusal or the conditions imposed if he or she lodges an appeal with the Planning Inspectorate which is in Bristol within six months of the decision. He or she can appeal to the High Court but the High Court will be reluctant to grant an appeal where the issues are factual issues which should be considered by the Planning Inspectorate.
- 7 Objectors to the application cannot appeal to the Planning Inspectorate. They can only appeal to the High Court. The High Court judge will only intervene if there was a significant error of law made or the decision was 'against the weight of the evidence' such that the decision was outside the discretion of the planning committee.

Planning Applications for development which are not for large developments

- 8 The procedure is the same as for major developments except some of stages may not apply.

The policy and factors for a planning application

- 9 The main policy determined nationally is the [National Planning Policy Framework issued in February 2019](#). Rother's planning policy is the Local Plan, commonly known as the [Core Strategy](#). This is being updated. [The High Weald unit guide was issued in late 2019](#).

- 10 Frequently used objections for unsuitable developments in rural Rother are:
- a) The development is not within the development boundary.
 - b) The development is not a sustainable development, which usually means there are insufficient links to the village hub or the hub is too far away.
 - c) The development would have an adverse impact on the High Weald Area of Outstanding Natural Beauty (AONB).
 - d) There are special ecological problems which make the development particularly harmful.
 - e) The housing units are of a poor design.
- 11 Lack of school places and insufficient capacity at the local health centre make little impact as objections, because it is considered that while the housing units are being built the education and health authorities would be obliged to find that capacity or people would have to travel for their education and health needs.

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