



**Application No.** RR/2011/2206/P

**Decision Date:** 20 July 2017

## **Town and Country Planning Act 1990**

### **PLANNING PERMISSION**

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**AGENT/APPLICANT:**

Mr Pickup  
Sandhills Farmhouse  
Bodle Street Green  
Hailsham  
EAST SUSSEX  
BN27 4QU

**APPLICANT**

Mr Kirkham  
East Lodge  
High Street  
Pembury  
KENT  
TN2 4PN

**DESCRIPTION:**

USE OF LAND FOR INFORMAL RECREATION AND CREATION OF A FOOTPATH LINK(S)

**LOCATION:**

STRAND MEADOW - LAND TO THE SOUTH WEST OF, BURWASH

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The Rother District Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act that permission has been granted for the carrying out of the development referred to above in accordance with the plans submitted subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended by 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 plan:

Drawing no. 10.1083-201A, dated Feb 2011.

Reason: For the avoidance of doubt and in the interests of proper planning, as advised in Planning Practice Guidance Paragraph: 022 Reference ID:21a-022-20140306.

- 3 Prior to the commencement of the development permitted under reference RR/2011/2205/P details of the proposed footway construction, including gradients and surfacing, shall be provided to and approved in writing by the local planning authority. The footpath shall be provided in accordance with the approved details before the occupation of the penultimate dwelling constructed on the site the subject of outline planning permission RR/2011/2205/P and thereafter retained in accordance with the approved details.

Reason: To ensure improved footpath integration with the village centre and its services in accordance with Policy VL1 of the Rother District Local Plan (2006) and Policy TR2 of the Rother Local Plan Core Strategy.

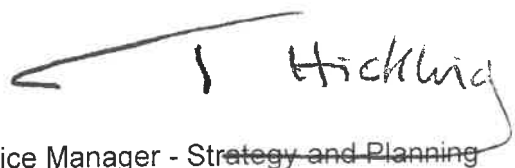
**NATIONAL PLANNING POLICY FRAMEWORK:**

In accordance with the requirements of the Framework (paragraphs 186 and 187) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

**NOTE(S):**

This permission may include condition(s) requiring the submission of details prior to the commencement of development. Following close consideration in the courts, it is now well established that if the permission contains conditions requiring further details to be submitted to the Council or other matters to take place prior to development commencing and these conditions have not been complied with, the development may be unlawful and not have planning permission. You are therefore strongly advised to ensure that all such conditions have been complied with before the development is commenced. A fee is payable for written requests for compliance with conditions; the current fee is £28.00 for each request for householder developments and £97.00 for each request for all other categories of development. The appropriate 1APP form can be downloaded from the Council's Planning website [www.rother.gov.uk/planning](http://www.rother.gov.uk/planning).

**STATUTORY NOTICE TO THE APPLICANT:** If you are aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development, or to grant it subject to conditions, then you can appeal to the Planning Inspectorate in accordance with Section 78 of the Town and Country Planning Act 1990 within SIX MONTHS of the date of this notice. Please see overleaf for details.



J. Hickling

Service Manager - ~~Strategy and Planning~~

## **APPEALS TO THE SECRETARY OF STATE**

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs).

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

## **PURCHASE NOTICES (Applications for planning permission, listed building consent and conservation area consent only)**

If either the local planning authority or the Secretary of State for Communities and Local Government refuses permission to develop land or grants it subject to conditions or if a listed building consent or conservation area consent is refused, or granted subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the District Council, in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990 or as the case may be Section 32 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## **COMPENSATION (Applications for planning permission, listed building consent and conservation area consent only)**

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him. These circumstances are set out in Parts IV and V of the Town and Country Planning Act 1990 or as the case may be Section 27 of the planning (Listed Buildings and Conservation Areas Act) 1990.

## **GENERAL NOTES**

1. Attention is drawn to Section 35(2) of the East Sussex Act 1981 regarding means of access to a building for the fire brigade. The effect of which in relation to the erection or extension of a building is to require adequate means of access for the fire brigade and to ensure such works will not render inadequate any existing means of access for the fire brigade to a neighbouring building.
2. Attention is drawn to Sections 4, 7, 8 and 8a of the Chronically Sick and Disabled Persons Act 1970, to the Code of Practice for Access for the Disabled and to Design Note 18 – all of which relate to the provisions to be made for access for the disabled.
3. This permission does not grant any approval or consent which may be required under any enactment, byelaw, order or regulation other than the Town and Country Planning Act 1990 or the Planning (Listed Buildings and Conservation Areas) Act 1990.

## **NOTES RELATING SPECIFICALLY TO APPLICATIONS FOR LISTED BUILDING CONSENT AND CONSERVATION AREA CONSENT**

Attention is drawn to Section 8 (2) (b) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the effect of which is that demolition may not be undertaken (despite the terms of any consent granted by the local planning authority) until notice of the proposal has been given to the National Monuments Record Centre, The Engine House Fire Fly Avenue, Swindon, Wiltshire SN2 2EH and the Commission subsequently have either been given reasonable access to the building for at least one month following the grant of consent, or have stated that they have completed their record of the building or that they do not wish to record it.