



Application No. RR/2018/1787/P

Decision Date: 22 January 2019

Town and Country Planning Act 1990

REFUSAL OF PLANNING PERMISSION

AGENT/APPLICANT:

Town & Country Planning Solutions
Attn: Mr Michael Pickup
Sandhills Farmhouse Green
Bodle Street Green
Hailsham
BN27 4QU

APPLICANT

Park Lane Homes (Se) Ltd.
141 - 145 Bohemia Road
St. Leonards-On-Sea

TN37 6RL

DESCRIPTION:

Erection of 30 market dwellings together with access, parking, open space and recreational land.

LOCATION:

Strand Meadow - Land to the south west of, Burwash

The Rother District Council hereby give notice in pursuance of the provisions of the Town and Country Planning Acts that permission has been refused for the carrying out of the development referred to above for the following reasons:

- 1 The design of the proposed development is uncharacteristic and out of context with the historic settlement of Burwash and the High Weald Area of Outstanding Natural Beauty and will cause harm to the verdant character of this edge of countryside location by reason of: its poor pedestrian access arrangements (both site wide and within individual plots) which are primarily stepped and do not provide access for all; the urban (rather than rural) character and appearance of the buildings; the excessive height of the proposed buildings and their inappropriate scale when compared with prevalent village design; the design of the shallow pitch roofs incorporating inappropriate flat roof dormers; and the inadequate levels of light that will be received within the proposed properties. The proposed development does not represent a high quality response to the local context and landscape and therefore would be contrary to Policies OSS4, RA1, C06, EN1, EN3 and TR3 of the Rother Local Plan Core Strategy, Policies DHG4, DEN1 and DEN2 of the emerging Development and Site Allocations Local Plan Proposed Submission - October 2018 and paragraphs 124, 127 and 128 of the NPPF.

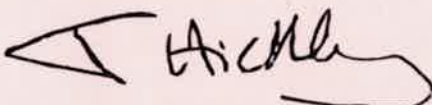
- 2 The developer has not entered into a s106 legal agreement to secure the following:
- a) A review mechanism of the costs and values associated with the development having regard to the lack of provision of affordable housing based on assumed costs and values.
 - b) The provision of and future management of the landscape area and amenity public open space, with landscaping
 - c) The provision of recreational (allotment) land
 - d) The provision of a footpath to join with the recreation ground
 - e) The implementation of ecological and arboricultural mitigation measures
 - f) Off-site highway works to include:
 - i) A new vehicular access into the site as a continuation of Strand Meadow
 - ii) The existing turning head on Strand Meadow retained and formalised and separated from the main through route by carriageway markings.
 - iii) Removal of approximately 50m of the existing footway along the northern side of Strand Meadow allowing the carriageway to be widened to provide an additional area of on-street parking.
 - iv) A pedestrian crossing with dropped kerbs and tactile paving provided where the footpath ends to the north of the new parking area.
 - v) Widening of the carriageway to retain a 4.8m width along this section of road by narrowing the footway on the south side of Strand Meadow to a width of approximately 2.7m.

It has not been conclusively shown that the development would be acceptable in planning terms without the requirements listed and as a result the application does not comply with the Policy VL1 of the Rother Local Plan 2006; Policies CO3, LHN2, EN5 and TR3 of the Rother Local Plan Core Strategy; and Policies DHG1 and DEN4 of the emerging Development and Site Allocations Local Plan Proposed Submission - October 2018.

NATIONAL PLANNING POLICY FRAMEWORK:

In accordance with the requirements of the Framework (paragraph 38) 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 identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, thereby allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied as part of a revised scheme.

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.



Head of Service - Strategy and Planning

TOWN AND COUNTRY PLANNING ACT 1990

NOTIFICATION TO BE SENT TO AN APPLICANT WHEN A LOCAL PLANNING AUTHORITY REFUSE PLANNING PERMISSION OR GRANT IT SUBJECT TO CONDITIONS

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.
- As this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice [reference], if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.*
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.*
- As this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.*
- As this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.*
- As this is a decision to refuse express consent for the display of an advertisement, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.*
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.*
- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- 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.

* delete where inappropriate