

Representations to Rother District Council Re Type of procedure
Appellant's name for the site: Land to the south west of Strand Meadow
APP/U1430/W/19/322824

- 1 The members of Burwash: Save our Fields from Concrete, one of the interested parties in the above application, make representations to the officers of Rother District Council. The representations are about the type of appeal procedure the Council should recommend the Planning Inspectorate should have in the appeal.
- 2 The appellant, Park Lane Homes, lodged the form for the above appeal on 1 March 2019. The interested parties have not as yet been informed that the appeal has been validated by the Planning Inspectorate.
- 3 The appellant seeks an appeal by written representations.
- 4 As the planning officers know, there are three main types of procedure for determining appeals. They are: written representations, hearings and inquiries. Rother District Council has a duty to recommend the appropriate procedure for the appeal.
- 5 Burwash: Save our Fields from Concrete notes that the criteria for determining the venue are listed in Appendix K of the Planning Inspectorate's Procedural Guide.
- 6 **Matters to be determined** A large part of the evidence put forward by the appellant is not accepted and requires detailed scrutiny. An expert in daylight is likely to be needed to correct the suspected errors in the Herrington report on light levels. A housing survey will need to be presented to the Inspectorate. The viability report is not accepted. The housing supply issues are complex and will need to be considered carefully. There are likely to be arguments over the ecology part of the appeal. An architect is likely to be needed to give evidence about the interpretation of design in the planning rules. This is connected with the rules for building in the High Weald Area of Outstanding Natural Beauty. These design issues apply to the interior design, the exterior design and the look of the groups of housing units. Burwash: Save our Fields from Concrete is collecting evidence that the grant of outline planning permission was obtained by a serious deception on Rother District Council and may invite the Inspector to consider the grant of outline planning permission. This is a complex issue. The provision of the required footpath is factually contested and legally there are considerable issues about that part of the inquiry. The density of the housing is another issue for the Inspector. The sewerage and transport parts are not agreed and require detailed consideration. The false points made about the objectors would need to be resolved by the Inspector.
- 7 The written representation procedure is appropriate where:
 - a) The planning issues raised can be clearly understood from the appeal documents,
 - b) The issues are not complex, and

- c) The Inspector is not likely to need to test the evidence by questioning or to clarify any other matter.
- 8 As none of the factors in para 7 of this document applies, the written representation procedure is wholly inappropriate.
- 9 The Planning Guide states that a hearing is appropriate where:
- a) The Inspector is likely to need to test the evidence by questioning or to clarify matters,
 - b) There is no need for evidence to be tested through formal questioning by an advocate or given under oath,
 - c) The case has generated a level of local interest such as to warrant a hearing.
- 10 All these matters apply, so the appropriate venue would be either a hearing or an inquiry. The advantage of an inquiry is that the Inspector would have the advantage of a more structured approach, which is likely to save time. The setting of timetables would be very useful.
- 11 Robert Banks, acting on behalf of Burwash: Save our Fields from Concrete, was one of the three petitioners at the planning committee meeting that refused permission for this application. He spoke for all three petitioners. The other two petitioners were Burwash Parish Council and the Strand Meadow residents.
- 12 Robert Banks invites Rother District Council to take these matters into account.

Robert Banks

Burwash: Save our Fields from Concrete

21 March 2019