



## NEIGHBOURHOOD

### NEWS Number 12

April 2017

#### **A Layman's Guide to Planning, by a Layman!<sup>1</sup>**

After 18 months of discussion, consultation, evaluation and even some self-amusement the TNP SG (Ticehurst Neighbourhood Development Plan - Steering Group) is close to the crunch - well, the next crunch anyway! We are moving from 'Informal' to 'Formal' which is when the work really starts to count.

From our extensive consultation last year we know that you want, amongst other things:

- priority for pedestrians over vehicles in the villages, and
- parking on pavements and verges to end, and
- to protect and enhance the High Weald countryside, and
- to maintain gaps between hamlets and villages to help build community cohesion, and
- realistic housing for people in the community on modest incomes, and
- housing in smaller developments.

This note is intended to give an outline of planning conventions so that you will see some of the background when our formal 'Regulation 14' consultation is published.

#### **The legal framework:**

In over simplistic terms, the main issue relates to land-use planning, principally housing. The implication of planning law is that ownership of land does not give the right to do with it as you wish; neighbours are affected, the community is affected, and wider society is affected both in the short term and for generations to come. National policy is decided by Government through the Department for Communities and Local Government (DCLG) with the agreement of Parliament. DCLG disseminates its policies through 'Guidance' - but that should not be interpreted as 'optional'! Responsibility for implementing Government policy is with local planning authorities, for us that means Rother District Council. Rother explains how it tackles this responsibility by means of policies within the District Local Plan recently reviewed to incorporate the Core Strategy<sup>2</sup>. These documented 'Policies' have been subject to public consultation, supported by elected representatives, and signed off by a planning inspector

#### **The strategic position**

In 2012 masses of planning regulation was replaced by the National Planning Policy Framework (NPPF) - 207 paragraphs plus Annexes was felt to be 'simpler'. The political imperative behind the strategy is to be seen to be enabling house building by removing red tape. Thus, the NPPF has in simple terms a default position of approving 'sustainable development'. In parallel, Government sets targets for house building which each planning authority is expected to achieve over the planning period of 2011 to 2028. For Rother this is at least 5700; for Wealden the figure is 9440.

Balancing this pressure is the role of the High Weald Area of Outstanding Natural Beauty (AONB) which covers all of Ticehurst Parish<sup>3</sup>. The statutory purpose of AONB designation is to conserve and enhance its

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<sup>1</sup> This Neighbourhood News does not pretend to give a complete and definitive account of planning law. As the project has progressed our understanding of the constraints and expectations has increased; this tries to explain some of the factors which are guiding our development of the TNP.

<sup>2</sup> The Local Plan 2006 and Core Strategy 2014 run to 129 and 219 pages respectively and are supported by other papers including Development and Site Allocations (DaSA) Local Plan (440 pages) currently awaiting adoption.

<sup>3</sup> The High Weald AONB Management Team is based in the Parish, in Flimwell.

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natural beauty, and natural beauty is interpreted in the widest sense. The High Weald AONB Management Plan<sup>4</sup> guides planners and developers on how this can be achieved.

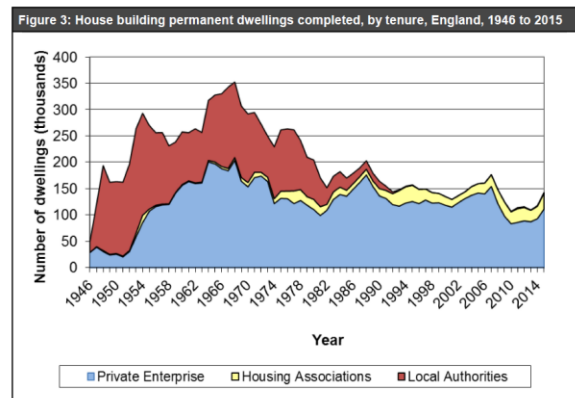
## The Dilemmas - Nationally

Comparing data from the Home Builders Federation<sup>5</sup> with that from Government<sup>6</sup> suggests that there are about 60k more planning permissions granted in England each year than homes being built, even allowing five years construction time. It would seem that developers are land-banking<sup>7</sup> more than planners obstructing.

Government data on house building over time is instructive - see the diagram.

## The Dilemmas - Regionally

Over 80% of Rother District is in the AONB, and much of the rest is protected in other ways. The lion's share of Rother's housing obligation is being borne by Bexhill, but some housing in the rural areas is expected which requires a clear compromise between 'conserving and enhancing' and 'sustainable development'.



In common with other authorities, Rother tries to resolve this dilemma in the rural areas, in part, by the use of 'development boundaries'. The idea is that development is more sustainable if close to existing communities, and that ad hoc building in the countryside is generally harmful to the AONB. So many villages have development boundaries within which, in principle, building will be permitted and outside which, it won't. In effect the burden of proof lies with the authority to explain why a proposal within a development boundary should not go ahead and with the prospective developer, when outside the development boundary, why it should.

A further element of 'sustainability' may be seen in Rother's nomination of 'rural service centres' like Robertsbridge and Ticehurst. Because these bigger villages have some services it can be argued that more housing can be justified as those services may be accessed without the use of a car.

## The Dilemmas - locally

Strong feedback from our informal consultation exercises with residents last year showed that:

- Most accept that communities cannot and will not stand still, and that development must be managed rather than opposed blindly.
- Housing which is accessible<sup>8</sup> to people living and working locally is wanted, but not what developers prefer to build.

## A further complication!

Government guidelines require planning authorities to hold 5 years of 'deliverable' housing - in effect, planning approvals for 5 years of the 17 years in this planning period. Without it, planning policies are considered out of date and the area open to a construction free-for-all (almost). Like many authorities, Rother currently cannot meet this obligation. Fortunately at several planning appeals the Inspector has accepted that delays in construction of the Hasting-Bexhill link road has held up developments around

<sup>4</sup> <http://www.highweald.org/downloads/publications/high-weald-aonb-management-plan-documents/1475-high-weald-management-plan-3rd-edition-2014-2019/file.html>

<sup>5</sup> [http://www.hbf.co.uk/?eID=dam\\_frontend\\_push&docID=25426&filename=HPL\\_REPORT\\_2016\\_Q3.pdf](http://www.hbf.co.uk/?eID=dam_frontend_push&docID=25426&filename=HPL_REPORT_2016_Q3.pdf)

<sup>6</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/593937/LiveTable209.xlsx](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/593937/LiveTable209.xlsx)

<sup>7</sup> Land banking i.e. obtaining planning permission but then not starting to build. It increases the options available to a company when deciding where best to invest.

<sup>8</sup> We won't say 'affordable' as that has its own 'housing association' linked implications.

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Bexhill and agreed that the phasing of building can properly be weighted towards the end of the planning period. There is however no guarantee that this situation won't change.

## Planning procedure (simplified)

In effect, anyone can apply for planning permission on any land, but normally it is the landowner or a prospective developer who takes the lead. The following steps may be involved:

- i. Informal (paid for) discussion with planners.
- ii. Planning application made, with accompanying drawings and documentation of the proposal.
- iii. Publication for public comment.
- iv. Parish Council considers applications and makes recommendations but cannot determine them.
- v. Planners assess the proposal against documented policies.
- vi. For simpler cases, planners decide to grant or refuse permission.  
For complex (and some other) cases planners make a recommendation to the Planning Committee.
- vii. Elected Councillors on the Planning Committee may visit the site.
- viii. Planning Committee considers, in public, the merits of the proposal, and decides.
- ix. Approvals may be accompanied by 'Conditions' with which the developer must comply.
- x. If unhappy with the decision, or its conditions, the developer may appeal to the Planning Inspectorate, giving their justification for the decision being wrong.
- xi. The Planning Inspectorate appoints an independent Inspector to adjudicate. S/he may decide that a public inquiry is needed.
- xii. The Inspector considers arguments from the 'appellant' and from the planning authority, and decides to uphold or dismiss the appeal.
- xiii. If still unhappy, the developer can ask the Secretary of State to 'call in' the proposal, and take another look at it.
- xiv. If still unsuccessful, a developer can modify their proposal in the light of reasons for refusal, and resubmit.

Consideration of each and every application is onerous as it has to be thorough. Preparation for an Appeal which is effectively a judicial situation is very demanding. Policies have to be watertight.

## The Solution?

The Localities Act 2011 gives the solution, we hope. By producing and getting support for our Neighbourhood Development Plan we should be able to ensure **Development on OUR terms!** Rother will then make planning decisions in this Parish using our policies to guide them.

## In conclusion

We do have the opportunity to influence how our community develops through the Neighbourhood Plan. The stronger the engagement and the bigger the support, the more effective it will be. Sustainable development may be a nebulous concept, but we are trying to describe it in ways which meet our needs and benefits our Parish. I hope this note gives some background to what you will see shortly through our 'Call for Sites' report and our 'Regulation 14 Draft Plan'.

Go to <http://www.ticehurstnp.org/> for fuller information of the Neighbourhood Plan, and watch David Goodale's excellent film on YouTube: <https://www.youtube.com/watch?v=mGfVceDwQXI>

## Disclaimer

This note does not and cannot pretend to be a definitive presentation of planning law; it is intended as a layman's interpretation of information which has guided our work on the Neighbourhood Plan so far. It tries to offer an explanation of what is often misunderstood and misrepresented by members of the public. For the errors and mistakes which I have inadvertently included, I apologise.

Steve Barrass

We always welcome comments by email to: [participate@ticehurstnp.org](mailto:participate@ticehurstnp.org)  
or by letter to: The Clerk, Ticehurst Parish Council, The Village Hall, High Street, Ticehurst TN5 7BB

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