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10<sup>th</sup> March 2026

Dear Sir / Madam

**RE: Burwash Parish Council – Response to Audit Objection Financial Year 2024-2025**

Further to our correspondence on this matter, please find below the formal response from Burwash Parish Council to the objections to the audit for financial year 2024-2025. I can confirm that this response was resolved by Council at the Full Council meeting held on Tuesday 10<sup>th</sup> March 2026. I can also confirm that the objector is on the electoral role for Burwash parish.

**Background:**

Burwash Parish Council (BPC) sits in the Natural Landscape (NL) or Area of Outstanding Natural Beauty (AONB). It sits on a ridge surrounded by NL.

BPC takes very seriously the protection of the surrounding landscape and has been instrumental in representing the local community in planning and environment matters. The Council works hard to comment on all planning applications and has a committee specifically formed to deal with planning applications. The Parish Council also has a strong neighbourhood development plan that is fundamental to ensuring the long-term protection of the NL.

The original planning application (REF: RR/2022/840/P Land at Beech Farm) was brought to the Council's attention by our District Councillor. There were fundamental issues both with the process used to grant permissions and with the overarching threat that was perceived by this planning application to the NL. Several parish and town councils (some 21 at the height of the issue) met to discuss the very real ramifications of this application.

In its base form, allowing this application to proceed unchallenged posed a real threat to the NL. An 'eco' kit house, on a greenfield site, outside of the development boundary and not included in the parishes neighbourhood plan, goes against the very protection that BPC strive to provide, combined with allowing the applicant, the then Chair of the local authority Planning Committee and Chair of Seddlescombe Parish Council, to speak in favour with no declared interest flouted a number of local and national planning policies. If granted, there was real concern that this could be replicated throughout the NL and, therefore, directly affect the parish and residents of Burwash.

At all times, Council was aware that the parish concerned did not border Burwash parish but felt that the challenge needed to be made to protect not only Burwash NL but that this could have national consequences.

There were also huge concerns over the process used at the Rother District Council's planning committee.

Originally, BPC was going to lead the judicial review. But it was collectively felt that Ticehurst PC, who had previous litigation experience, should be the lead parish. We had been advised that only one parish could take the action forward.

**Objection 1:** You object to the approval of expenditure of £6,000 in closed session during July 2024 on a contribution to Ticehurst PC's judicial review costs regarding planning permission granted by Rother DC on land not belonging to either council (Box 6)

**Comments:** We note that this objection relates to items of account in the Accounting Statements

**Conclusion:** We accept this objection for further consideration.

**Formal Response to Objection 1).**

The day after permission by the local authority was granted, the build company responsible for the house design, advertised that it's 'eco' kit house was suitable for builds in the AONB. This position was perceived as a fundamental threat to all rural parishes.

BPC wrote to Rother District Council (attached Item 01) highlighting their concerns. A smaller working group was formed to look at a legal challenge through initially the Secretary of State and then a judicial review.

BPC wrote to the then Secretary of State (attached Item 02). This resulted in an article 31 being placed on the permission, meaning the decision notice from Rother had to pause whilst the application was investigated.

The permission was then given to grant approval. As stated, it was originally Burwash PC that were to take the lead on the action, however, after discussions with the working group, it was decided that Ticehurst, with financial support from other parishes, would lead the action. In total 6 parishes pledged funds towards the Judicial Review action. It was believed that the case was strong and was in the interests of the residents of all rural parishes. The lack of a common border with the parish concerned is not relevant as the impact of the planning policies being misappropriated, had huge national consequences for parishes both within the NL and national parks and green spaces across the country.

BPC originally pledged £10k towards the action in closed session on 11-10-22 (attached Item 03). Legal advice obtained through Satswana, the Council's Data Protection officer, advised that BPC had legal privilege to make decisions under closed session in line with the 2018 Data Protection Act, paragraphs 16 & 17 of schedule 2. This was supported by Krift, the planning legal adviser, contracted to advise the group on this action. Advice was also sought from Counsel that indicated there was a strong case.

On 09-07-2024 Full Council committed to spend the funds requested (£6k) towards the initial Judicial Review action decision under closed session. (Attached Item 04).

On 17-09-2024 Full Council agreed the payment schedule where the amount spent with Ticehurst was clearly outlined (attached Item 05.)

Although led by Ticehurst Parish Council, this action was taken by all rural parishes involved, 8 in total, in the smaller working group, the lead parish was fully supported with funding. The legal advice obtained at the time was that parishes had legal privilege to hold decisions in closed session so the Council were protected as the case could have been prejudiced. Throughout the process BPC received numerous freedom of information requests, EIR requests and emails from Barristers acting on behalf of the applicant. Advice at the time was to minute very carefully so as to not prejudice the case. This is reflected in the advice given by the Society of Local Council Clerks that advises although confidential minutes are not permitted, careful minuting can be used.

At every point Burwash, Ticehurst and other parishes, engaged with Rother District Council to see if there was a way to resolve this issue before taking legal action. Rother refused to listen to the rural parishes and BPC felt strongly that the consequences of allowing the application to stand with paragraph 80e could be very serious for the protection of the NL.

The Judicial Review was won on process and the application reverted to the Rother planning committee. The original application was then withdrawn, and a replica application was made under paragraph 11d of the NPPF. This was granted by the planning committee.

Ticehurst decided to proceed with a second action but were not successful. Ticehurst PC voted not to continue with applying to the court of appeal. At this time BPC felt that although the NPPF paragraph being used was better, it still left open the possibility of widespread building within the NL.

### **Formal Response to Objection 2:**

BPC held an EGM on 16-12-2024 (attached Item 06) and voted to apply to the court of appeal to see if Burwash PC could intervene and move to become the lead parish. At this meeting Council also resolved to move forward with seeking to apply for an appeal with the Courts. The process is that once

the lead had been established, a Barrister at the Court of Appeal gave a desk-based summary on whether a formal appeal would be allowed.

Both the planning solicitor and Counsel offered a 'no win, no fee' basis to the appeal so the court costs were the only outlay. At this point there was no risk of court costs being allocated as BPC hadn't been given leave to appeal by the Court of Appeal. If the Barrister assessing the appeal had agreed, a further resolution would be required before the appeal was lodged.

The right to intervene as lead parish was agreed but the right to lodge an appeal was dismissed.

Throughout this very lengthy process, BPC have always tried to adhere to legal advice on matters and were very aware of the potential damage the application could have to the protected landscape of the parish. This action was taken with the very best interests of the residents in mind as the impact of precedent in planning could potentially have large ramifications for Burwash and its residents.

It should be noted that at no point has the complainant approached BPC to request additional information or discuss the AGAR for 2024/2025 or their concerns before the official complaint was received. At all times, Councillors were mindful of the cost but felt that no challenge presented a very real risk to the NL in which Burwash sits.

I hope that the information above gives the required explanation into the decisions made. Please let me know if you need anything further.

Kind regards

*Emma Neil* (by email)

Emma Neil  
Clerk / RFO  
Burwash Parish Council

Cc: Burwash Parish Council  
Cllr. Eleanor Kirby-Green  
Cllr. John Barnes

**Statement from Cllr. Robert Franklin – Chair at the time of expenditure**

I am writing to add some context to the expenditure of Burwash Parish Council with regard to the Planning Application for an 'eco' kit house to be considered of exceptional architectural design. This was a blatant attempt to circumvent the planning rules and was, in the opinion of Burwash Parish Council, along with at least eight other rural parishes, a serious threat to the area of Outstanding Natural Beauty (High Weald National Landscape).

During this time, the applicant, the owner of the business and their Barristers, were constantly threatening legal action against the Parish Council and even the local Parish magazine. The Clerk was advised that the Council should meet with members of the public excluded when this was discussed, and to keep any minutes and notes of decisions to a minimum to protect the legal case. At all times, the Council followed legal advice. The Council is very conscious that living in an AONB carries with it a need to jealously protect the countryside, and this is in the best interests of the residents. This view was shared by at least twelve neighbouring parishes, and the Clerk and Chair had delegated authority to attend the Working Group of the collected Parishes who opposed this planning application.

I am proud that this Council undertook its responsibilities to protect our ancient and beautiful countryside.