The Rt Hon Shabana Mahmood MP
Home Secretary
House of Commons, London, SW1A 0AA
By email: shabana.mahmood.mp@parliament.uk

The Rt Hon John Healey MP
Secretary of State for Defence
House of Commons, London, SW1A 0AA or
Whitehall, London, SW1A 2HB
By email: john.healey.mp@parliament.uk

10 December 2025

[redacted]

www.wealden.gov.uk
01323 443322

Dear Home Secretary and Secretary of State

Crowborough Training Camp, East Sussex
Request for Crown consent under section 296A Town and Country Planning Act 1990

I write on behalf of Wealden District Council as local planning authority.

The Council recognises the national context here. However the site sits within the High Weald National Landscape and within the Impact Risk Zone for Ashdown Forest Special Protection Area, Special Area of Conservation and Site of Special Scientific Interest. There are nearby watercourses and drainage features. We have observed initial site security works including fencing and free standing CCTV columns.

Section 296A TCPA provides that a local planning authority must not take any step for the purposes of enforcement in relation to Crown land unless it has the consent of the appropriate authority. The statute defines steps for the purposes of enforcement to include entering land, bringing proceedings and the making of an application. Service of a notice is not a prohibited step, but notices do not provide a coercive remedy on Crown land.

In Braintree District Council v Secretary of State for the Home Department and Secretary of State for Defence [2023] EWCA Civ 727 the Court of Appeal, Sir Keith Lindblom Senior President of Tribunals giving the judgment, confirmed that the High Court has no jurisdiction to grant an injunction under section 187B in respect of Crown land unless the appropriate authority has given consent under section 296A. The court identified judicial review as the public law route where consent is not given.

Public interest basis for consent

Against that framework, we ask that Crown consent is given now on a without prejudice basis so that if a breach of planning control or a failure to satisfy pre conditions under the General Permitted Development Order or the Habitats Regulations were to arise, proportionate and prompt action can be taken in the public interest without delay. Consent would:-

- allow orderly site monitoring and a clear audit trail for all parties;
- support timely resolution of any non compliance with conditions attached to any Special Development Order or any reliance on Part 19 Class Q, including the twelve month cessation and restoration duty and the notification duty;
- provide a safety net where environmental or safety concerns arise, including matters relating to Ashdown Forest and nearby watercourses; and
- reduce the risk of urgent judicial review where cooperative compliance could achieve the same end more efficiently.

Consent sought

Please grant consent under section 296A TCPA to Wealden District Council to take steps for the purposes of enforcement in relation to Crowborough Training Camp, limited to the proposed asylum accommodation project, for an initial period of eighteen months, to include:-

- Entry to land under sections 196A to 196C for monitoring and evidence gathering, including photography and measurement.
- The making of applications to the court and the bringing of proceedings where necessary, including applications for relief under section 187B.
- Any other step for the purposes of enforcement within section 296A that is reasonably necessary to address a breach of planning control or a breach of conditions or limitations attaching to reliance on permitted development or to any Special Development Order, and to secure compliance with the Conservation of Habitats and Species Regulations 2017 and the Town and Country Planning Environmental Impact Assessment Regulations 2017.

We acknowledge that service of notices does not require Crown consent, but confirm that we will continue to use service of notices as the first step wherever appropriate.

Proposed form of consent

For convenience we set out short wording that would meet the statutory requirement. If acceptable, please return a signed copy.

“Acting as the appropriate authority for the purposes of section 296A Town and Country Planning Act 1990, consent is given to Wealden District Council to take steps for the purposes of enforcement in relation to Crowborough Training Camp, East Sussex. Consent includes entry to land under sections 196A to 196C, the bringing of proceedings and the making of applications to the court including under section 187B, and any other step within section 296A that is reasonably necessary to address a breach of planning control or a breach of the conditions or limitations of any permission relied upon. This consent is limited to matters arising from the use of the site to accommodate asylum seekers and is effective from the date of this letter for eighteen months unless extended by agreement.”

Next steps

If you prefer to frame this by memorandum of understanding rather than a formal consent letter we would be content to agree that approach provided it gives effect to the statutory consent sought above. We also ask that you confirm the environmental predicates for any reliance on permitted development or any Special Development Order, namely any Natural England opinion under regulation 76 or any approval under regulation 77 of the Habitats Regulations and any screening direction under the EIA Regulations.

Please let me know your nominated contact so that we can agree practical protocols on access, information exchange and any urgent issues.

Yours faithfully



Chris Bending
Director of Place

cc Andrew Larter, Asylum Accommodation Delivery Director, Head of the Asylum Accommodation Taskforce, The Home Office