

APPEAL REF: APP/C1435/W/24/3356658

LPA: Wealden District Council LPA Ref: WD/2024/1799/MAO

**Land at Bird In Eye Farm, South of Bird In Eye Hill, Framfield,
Uckfield TN22 5HA**

Appeal by: Croudace Homes Ltd (against failure to determine)

Outline application with all matters reserved, except means of access to site, for up to 190 dwellings, with associated works, parking, landscaping, publicly accessible open space and SANG, with access from the B2102.

2nd Case Management Conference (CMC) Summary

1. The 2nd CMC was conducted this morning, Wednesday 28 May 2025, between 11am and approximately mid-day. The appellant's spokesperson was *Andrew Tabachnik KC* and the LPA's was *Victoria Hutton* (both of 39 Essex Chambers). Also present and taking part was *Kassie Smith*, a local resident, who is representing other residents as well as herself.
2. This 2nd CMC was necessary to clarify the current main contested issues in this appeal, following the submission of the revised plans and documents regarding the highway access and related issues (speed restrictions, lighting of the access, pedestrian and cycle route linkages, etc) on 9 May by the appellant (the Wheatcroft application, as referred to in my Summary of the 1st CMC). I agreed that I would accept these revised highway access details on 9 May and confirm that they therefore supersede those submitted with the original application and any intervening subsequent access plans and documents. The LPA consulted the public and relevant organisations on 12 May. The consultation period ran to 26 May.
3. The main parties agree, as set out in the final agreed Highways Statement of Common Ground (Highways SoCG) dated 21 May, that highway issues are no longer contested between them in any way: East Sussex County Council (ESCC), the Local Highway Authority (LHA), is satisfied that its previous objections to the proposed development have been successfully overcome by the revised access and related matters set out in the Wheatcroft application. Nonetheless, third parties are still contesting highway issues.
4. It was agreed that the issues between the two main parties are as follows:
 - Effect of the development on the setting of the Grade II listed Oast House
 - The planning balanceHowever, given third parties are still contesting highway issues, the effect of the access design on highway safety remains a main issue.

Dealing with the Evidence

5. The Inquiry will focus on areas where there is disagreement. It was agreed that highway safety and heritage issues would be best dealt with via Round Table Discussions (RTDs), but that the planning balance issue would be best addressed by EiC/X-X/Re-X as requested by the appellant.
6. On the basis of the current main issues set out above, the appellant stated at the last CMC that he would have 3 witnesses as follows:
 - Christopher Miele* of Montagu Evans – Heritage
 - Matt Stevens* of Milestone Transport Planning – Highway Safety
 - Steven Brown* of Woolf Bond Planning – PlanningAnd the LPA stated that it would have 4 witnesses as follows:
 - Joanna Tucker* of Wealden District Council (WDC) – Heritage
 - Roger New* – Highway Safety: Design & Layout of the new access junction
 - Nick Flood* – Highway Safety: Road Safety Audit and Policy wrt the 30mph zone
 - Declan Redman* of WDC – PlanningI am assuming, given that the two main parties are not contesting highway issues, that they will not be submitting Proofs of Evidence on highway matters, but that their above relevant experts will be available to attend the Highways RTD and participate in such if necessary. And that Proofs will be provided by the other above named witnesses.
7. The evidence of the appellant will also need to address how the various benefits of the proposal will be delivered via conditions and/or the S106 planning obligations. The Council will need to provide a CIL Compliance Statement. This will be dealt with by a RTD as normally occurs.
8. In terms of the indicative **agreed programme for the Inquiry**:
 - It is agreed that it is likely to take at least 4 days, and possibly 5.
 - It will open at **10am on Thursday 17th July**, continuing on Friday 18th and Tuesday & Wednesday 22nd & 23rd and if necessary, Thursday 24th July (***and please can the Council publicise the new opening day & time & venue***)
 - It will take place at the **East Sussex National Hotel, Little Horsted, Uckfield TN22 5ES**, which has ample parking for all attendees
 - It will be preceded, **at 3pm on Wednesday 16th July, by an accompanied site visit** where I will meet all parties at the car park adjacent to the listed Oast House on the site
 - The indicative detailed programme will be as follows:
 - Thursday 17th – Openings and 3rd parties and RTD on Highways if time
 - Friday 18th – RTD on Highways & RTD on Heritage
 - Tuesday 22nd – Evidence on Planning Balance: LPA followed by Appellant
 - Wednesday 23rd – RTD on Conditions & S106 Obligations, followed by Closings (&, if necessary, by any Costs applications and rebuttals, which I would ideally want in writing)
 - Thursday 24th – Any overrun of the above timetable, if necessary
9. I note that the Plans and relevant Documents/Reports submitted with the application are listed in para 3.4 of the main SoCG. *Please can I have the following crucial documents in hard copy (in colour) along with hard copies*

of the Proofs (& any Appendices to them) 4 weeks prior to the start of the Inquiry (i.e. by Thursday 19 June):

- the D&AS bound in one A3 doc*
- all relevant drawings (all these at A3 size please), i.e. 201C, 202K, 203C, 204F, 205D & 206 (or their subsequent updates to take account of the Wheatcroft access revisions) and the revised highway access plans bound in one A3 doc*
- the TA (non-technical) summary (amended as necessary)*
- the bound LVIA in A3 size*
- the final Conditions list*
- the final draft S106*
- the CIL Compliance Statement*
- the topic specific SoCG on heritage issues (one week before the Proofs) and could they all be sent to me via the Case Officer*

10. You are requested to comply with the dates listed above in terms of submission of information, so that this Inquiry is run smoothly, effectively and efficiently. Thank you.

Nick Fagan

INSPECTOR

28 May 2025