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Dear [redacted]

Crowborough Training Camp, Crowborough, East Sussex
Proposed application under section 293B Town and Country Planning Act 1990
Representation on urgency

Yesterday, Wealden District Council was informed by the Home Office that it intends to submit an application to the Secretary of State under section 293B of the Town and Country Planning Act 1990 in respect of the proposed extended use of Crowborough Training Camp for asylum accommodation.

The Council understands that the application has not yet been accepted by the Secretary of State under section 293B(5).

The Council therefore asks that these representations are placed before the Secretary of State before any decision is made whether to agree to determine the application under section 293B.

These representations are directed specifically to the requirement in section 293B(6)(b) that:

"it is necessary that the development is carried out as a matter of urgency."

The Council reserves its position on the separate question of national importance and on the planning merits of any application. Those are separate matters. The present representation concerns whether the statutory threshold for using the exceptional Urgent Crown Development procedure is satisfied.

1. The statutory test

Section 293B provides a special route by which an appropriate authority may apply directly to the Secretary of State.

The Secretary of State does not have an unrestricted discretion to accept such an application.

Section 293B(6) provides that the Secretary of State **may only agree to determine the application** if the Secretary of State considers both that the development is of national importance and that it is necessary that the development is carried out as a matter of urgency.

The two requirements are cumulative.

Accordingly, establishing that the proposed use is of national importance does not establish urgency. Nor is the relevant question simply whether a decision could be obtained more quickly under section 293B than under another planning route. That would be true of almost any proposal entering an expedited process.

The statutory question is whether it is **necessary** for this development to be carried out as a matter of urgency.

2. Government policy deliberately sets a demanding urgency test

The Government explained how that statutory test would be applied in the Written Ministerial Statement of 13 February 2025.

The Minister stated that the new Crown Development powers should be used **only where necessary**.

For Urgent Crown Development, the Secretary of State must additionally be satisfied that the development is **genuinely needed as a matter of urgency**.

The stated policy is that the applicant must demonstrate:

1. the need for an expedited planning process;
2. that the proposed development needs to be made operational to an accelerated timeframe;
3. that the accelerated timeframe is unlikely to be feasible using other application routes, including ordinary Crown Development; and
4. evidence of the likely consequences of not securing a decision within the accelerated timeframe.

The current Planning Practice Guidance repeats those requirements.

The Council submits that those tests require specific evidence relating to Crowborough Training Camp. Evidence demonstrating the importance of the Government's asylum accommodation programme generally does not, without more, demonstrate that this particular development requires the section 293B procedure.

3. The development is already operational

Crowborough Training Camp is not a proposed facility which requires an accelerated planning decision in order to become operational for the first time.

The site has been operational as asylum accommodation since January 2026, the use having commenced in November 2025.

The Council understands that it is presently accommodating approximately 540 people.

The Council recognises that the fact that a use has commenced does not of itself prevent an application being made under section 293B. The Manston application itself contained a retrospective component.

It is nevertheless highly relevant to the Government's stated urgency test.

The Written Ministerial Statement requires the applicant to demonstrate that the proposed development **will need to be made operational to an accelerated timeframe**. At Crowborough the asylum accommodation use is already operational.

On the information presently available to the Council, the planning application appears principally to concern the continuation of that use beyond the period authorised by the existing temporary planning arrangements.

The Council therefore asks the Secretary of State to identify precisely what element of the proposed development needs to become operational on an accelerated timetable and why.

If the proposed section 293B application includes additional development beyond the continuation of the present use, the same question should be addressed separately in relation to each material component relied upon as requiring urgent consent.

4. The need for a further planning permission has been foreseeable throughout

The current planning position does not involve an unexpected expiry date.

The Home Office has relied on the temporary permission conferred by Class Q of Part 19 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015.

The Council's understanding is that development commenced in November 2025 and that Class Q requires the relevant use to cease on or before expiry of the period of 12 months beginning with the date on which the development began.

The Council wrote to the Home Office on 15 June 2026 expressly identifying that position and stating that Class Q could not authorise the use of the site as asylum accommodation

beyond the 12 month period and that some other planning permission would therefore be required for any extended period of occupation.

The requirement to obtain a further permission has therefore been foreseeable.

The expiry of a temporary permission which has been known from the outset cannot, without further explanation, itself demonstrate that it is now necessary to use an exceptional urgent planning procedure.

5. The proposal to extend occupation to 2030 has also been known for a substantial period

There is a further important aspect of the chronology.

Material disclosed during the judicial review proceedings concerning Crowborough Training Camp showed that the Home Office requested agreement from the Ministry of Defence on **16 April 2026** to extend its use of the site.

The Ministry of Defence agreed that request on **30 April 2026**.

The extension would enable the Home Office to use Crowborough Training Camp until 2030, subject to obtaining appropriate planning permission.

The Council wrote to both Departments on 15 June raising the planning consequences of that decision.

On 21 July the Home Office confirmed to the Council that it had permission from the Ministry of Defence to extend use of the site until January 2030, subject to appropriate planning permission, but stated that it was still considering the appropriate planning route.

It is now September 2026.

Accordingly, there has been a period of more than four months since agreement was obtained for occupation until 2030 and more than two months since the Council expressly identified the requirement for a further planning permission.

That chronology is directly relevant to necessity and urgency. The Council contends that any urgency that is self-induced through the Home Office's delay in seeking further planning permission cannot reasonably be treated as demonstrating necessity for the purposes of s.293B, or for the purposes of the Secretary of State's policy as set out in the WMS and PPG.

6. The availability of the ordinary Crown Development route must be addressed

The Government has deliberately created two different procedures for nationally important Crown development.

Section 293D provides the ordinary Crown Development procedure.

Section 293B provides an additional procedure for development which is not merely nationally important but is also necessary as a matter of urgency.

The Written Ministerial Statement expressly requires an applicant seeking section 293B to demonstrate that the accelerated timeframe it requires is unlikely to be achievable through another planning route, specifically including ordinary Crown Development.

That distinction must be given substantive effect.

The Council therefore submits that the Home Office should be required to explain:

1. Why an application under the ordinary Crown Development procedure was not commenced when agreement to extend occupation was sought in April 2026.
2. Why such an application was not commenced when the Ministry of Defence agreed the extension on 30 April.
3. Why such an application was not commenced following the Council's letter of 15 June expressly identifying that further planning permission would be required.
4. What consideration the Home Office has given to section 293D.
5. What timetable an application under section 293D would have followed had it been commenced when the longer term requirement became known.
6. What timetable it would follow if commenced now.
7. What particular operational requirement could not be accommodated within either of those timetables.
8. Why section 293B has now become necessary rather than merely desirable or convenient.

The Council submits that a comparison confined simply to the respective timetables of sections 293B and 293D **starting now** would not adequately address the circumstances.

The need for longer term planning permission did not arise now.

In assessing whether the exceptional route is genuinely necessary, the Secretary of State should have regard to when that need became known and whether the ordinary Crown Development route could reasonably have secured the required planning position had it been pursued at that point.

Otherwise, a known planning deadline could effectively be converted into statutory urgency through the timing of the applicant's own decision to initiate the planning process. Such self-induced ‘urgency’ would be contrary to the statutory purpose and the clear intent that s.293B should be confined to cases of genuine urgency -as underscored by the Secretary of State’s policy in paragraph 027 of the PPG that “***the Secretary of State must be satisfied that nationally important development is also genuinely needed as a matter of urgency***”.

7. The Secretary of State should require evidence of the accelerated timeframe

The Government's policy requires more than an assertion of urgency.

There must be an identified accelerated timeframe.

The Council therefore asks that the Home Office be required to identify:

1. The precise date by which it says planning permission must be secured.
2. Why that date is operationally necessary.
3. What aspect of the proposed development requires a planning decision by that date.
4. Why the same requirement could not have been met through ordinary Crown Development.
5. The programme against which that conclusion has been reached.
6. When the Home Office first identified the relevant deadline.

Without that information it is difficult to see how the Secretary of State can properly be satisfied that the statutory necessity test has been met.

8. The consequences of not obtaining an accelerated decision require specific evidence

The Written Ministerial Statement also requires evidence of the likely consequences of **not securing a decision within the accelerated timeframe**.

This is important.

There may plainly be national pressures affecting asylum accommodation. There may also be wider Government objectives concerning hotel accommodation and the operation of the asylum estate.

Those matters may be relevant to the national importance limb.

They do not automatically demonstrate why a planning decision concerning **Crowborough Training Camp itself** is required through the urgent procedure.

The Council submits that the Secretary of State should require evidence identifying:

1. What would happen if planning permission for Crowborough were determined through the ordinary Crown Development process.
2. Whether and when residents would need to leave Crowborough Training Camp.
3. The number of people who would require alternative accommodation.
4. What alternative capacity is available within the asylum accommodation estate.
5. Whether hotel accommodation would be required and, if so, to what extent and for what period.
6. The operational and financial consequences said to result.

7. Why those consequences cannot reasonably be managed during an ordinary Crown Development determination.
8. Why those consequences could not have been avoided through an earlier planning application.

A general statement concerning national asylum accommodation pressures should not substitute for evidence of the consequences which the Government's own policy expressly requires.

9. Manston does not remove the need for a case specific assessment

The Council is aware that the Home Office previously used section 293B at Manston.

That precedent demonstrates the significance of the present stage of the process rather than establishing that section 293B is necessarily appropriate at Crowborough.

At Manston, the application was submitted on 26 June 2025 and the Secretary of State accepted that the tests of national importance and urgency were satisfied on 26 August 2025. Formal statutory consultation took place subsequently, between 3 and 11 November.

Manston was also materially different in that the application included substantial prospective development for a new reception centre and training facility as well as retrospective regularisation of the existing Initial Triage Processing Centre.

Crowborough must therefore be assessed on its own facts.

In particular, the Secretary of State must address whether the proposal now made at Crowborough requires an accelerated operational timetable and whether that timetable could have been achieved through the ordinary Crown Development route.

10. Further information under section 293B(8)

Section 293B(8) expressly enables the Secretary of State to require the appropriate authority to provide further information where necessary for the purpose of deciding whether to agree or refuse to determine the application.

If the Home Office's statement accompanying the application does not comprehensively address the matters identified above, the Council requests that the Secretary of State exercises that power before making the section 293B(5) decision.

The Council would also ask to be provided with the Home Office statement of grounds relating to urgency, subject only to any lawful restriction concerning genuinely sensitive information, so that the Council can provide any further factual observations which may assist the Secretary of State.

11. Conclusion

The Council recognises the Government's responsibility for the provision of asylum accommodation and does not seek through these representations to determine the planning merits of the continued use of Crowborough Training Camp.

Nor is the Council suggesting that nationally important Crown development can never appropriately use an expedited procedure.

The issue is narrower.

Parliament has provided two different routes for nationally important Crown development. Urgent Crown Development is available only where the additional statutory test of necessity and urgency is satisfied.

Government policy reinforces that distinction by requiring evidence that the development genuinely needs an expedited planning process, needs to become operational on an accelerated timetable which cannot reasonably be achieved through other routes including ordinary Crown Development, and that identifiable consequences would result from failure to secure a decision within that timetable.

In the case of Crowborough:

1. The asylum accommodation use is already operational.
2. The temporary nature and expiry of the existing planning position have been known from the outset.
3. The Home Office sought agreement for occupation until 2030 in April 2026.
4. That agreement was obtained on 30 April.
5. The Council expressly identified in June that a further planning permission would be required.
6. As late as 21 July, the Home Office was still considering which planning route to pursue.

Against that chronology, the Council does not consider that the necessity of the Urgent Crown Development procedure can simply be assumed from the approaching expiry of the existing temporary planning position.

The Home Office must demonstrate why the ordinary Crown Development process could not have been used within the period available, why an accelerated process is now necessary and genuinely needed as a matter of urgency, what precise operational timetable requires it and what identifiable consequences would follow from a decision being made through the ordinary route.

Unless the Secretary of State is satisfied on clear evidence that those matters demonstrate that it is necessary that the development is carried out as a matter of urgency, the statutory test in section 293B(6)(b) is not met.

The Council therefore requests that the Secretary of State **refuses to agree to determine the application under section 293B(5)**.

Alternatively, before reaching any decision, the Council requests that the Secretary of State uses the power in section 293B(8) to obtain the further information identified in these representations and provides the Council with a short opportunity to comment upon the relevant factual case for urgency.

Yours faithfully

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