Archived: 04 January 2024 10:13:42
From: Stacey Robins
Sent: Fri, 1 Dec 2023 18:02:55 +0000ARC
To: [redacted]@planninginspectorate.gov.uk; [redacted]@planninginspectorate.gov.uk
Cc: Samuel Batchelor; Planning Appeals; Lauren Sinden; Mark Bewsey
Subject: Planning Inspectorate APP/C1435/W/23/3330872: Land at Mockbeggars Farm, TN22 2EB
Sensitivity: High

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Dear Robert and Helen,

Town and Country Planning Act 1990
Appeal by Obsidian Strategic Asset Management Ltd
Site Address: Land at Mockbeggars Farm, London Road, Budletts Common, Uckfield, TN22 2EB

LPA Ref: WD/2022/0648/MAO
PINS Ref: APP/C1435/W/23/3330872

As you know from our exchanges in this case, the LPA has been considering its position in this appeal and have run (and now concluded) a procurement process seeking tenders for professional representation to defend the refusal of planning permission.

That has had due regard to the new material that has been advanced in the Grounds of Appeal lodged by the Appellants. I refer in particular to the document with table 09.(b) within it, called "A list of all plans and drawings (stating drawing numbers) submitted but not previously seen by the LPA". Without wishing to drilldown into too much detail at this stage, those submissions show an improved ecological submission, an enhanced lighting package and even further (woodland) planting than was considered (and refused) by the LPA. I take the view that it is very highly unlikely PINS would refuse to entertain these submissions. There is nothing we have seen that would cut across section 16.3 of the PINS Procedural Guide on amending a proposed scheme once an appeal has been made.

As such, and having regard to those tabled changes, the LPA finds itself in a situation whereby the support for the reasons for refusal is inadequate to mount a robust defence. As you know from the papers, this appeal arises by Committee overturn of officer advice (which was to grant planning permission).

Having consulted directly with the Planning and Environment Portfolio Holder here, I am able to now advise that the LPA withdraws from this appeal and has resolved not to defend it. This is subject to:

- Submitting a Position Statement of Common Ground
  and
- Working up agreed controlling conditions of the development

Subject to PINS agreement on that approach, we will work with the Appellants agent DHA to provide those documents and the legal agreement after that, we will therefore offer no evidence other than the submission circulated with the Questionnaire.

Your file will show that when the Appellants initially requested the Inquiry process and we contested that. Helen you wrote to the parties on the 18 October 2023 , advising:

"We have nowreviewed the case and while the Council's position is noted, there are matters in relation to ecology, protected species, policy and benefits that lead to this being a case requiring the testing of technically complex evidence. It is further noted that there is a relatively high level of public interest and accordingly this is appropriate to be considered under the Inquiry procedure".

There is now no technical evidence being contested. However, I do see there is a level of local opposition to the scheme. There were 46 representations to the application including objections from the Uckfield Town Council and the nearby Buxted Parish Council. I see that PINS might decide that level of interest is sufficient to justify holding an appeal event. However, I would question whether an Inquiry is necessary for that? In my mind, if an event is required, then a Hearing led by an experienced Inspector ought to suffice. However, I would advise that the appeal is properly capable of being determined on the papers by Written Representations.

We await comments from PINS not least as there is a CMC tabled for 12 December 2023.

with Kind Regards,

Stacey Robins | Head of Planning & Environmental Services
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