The Planning Inspectorate

APPEAL APP/C1435/W/23/3330872

Land at Mockbeggars Farm, London Road, Budletts Common, Uckfield TN22 2EA

Outline application for the development of 60 dwellings, access and internal road, parking, ancillary structures, landscaping and open space, drainage and other associated works. All matters reserved apart from access.

CASE MANAGEMENT CONFERENCE (HELD ON MS TEAMS)

10:00 Tuesday 12 December 2023

INSPECTOR'S POST CONFERENCE NOTE

Attendees

For the appellant	
John Litton KC	Landmark Chambers
For Wealden District Council	
Stacey Robins	Head of Planning
For Mockbeggars Residents Steering Group	
Algy Williams	
For Uckfield Town Council	
Councillor Jackie Love	

1. The case management conference was be led by Mike Worden BA (Hons) DipTP MRTPI, the appointed Planning Inspector. The conference did not involve any discussion of the merits of the case and the Inspector did not hear any evidence.

Likely Main Issues

2. The likely main issues which I had set out in my pre-CMC note were discussed. The appellant agreed with them.

3. Based upon the reasons for refusal, the main issues are likely to relate to:

- Whether the appeal site lies in an appropriate location for the development proposed and whether the proposal would make the most efficient use of land having regard to paragraphs 8 (c) and 125 (c) of NPPF

- The effect of the proposal on:
  - Ecology with particular regard to protected species (bats)
  - Local landscape features

4. There are other matters raised by interested parties which will need consideration.

5. The appeal will also consider the position of the five year land supply which it is agreed is 3.92 years at best, and the benefits of the scheme as part of the planning balance.

6. Revised scheme information and plans have been submitted which include re-arrangement of units and a greater ecological buffer. The appellant will want me to take account of these in my decision.

Dealing with the evidence

7. Mr Robins confirmed that the Council will not contest the appeal. It will enable the appeal to proceed and fulfil its procedural responsibilities.

8. Mockbeggars Residents Steering Group (MRSG) withdrew its Rule 6 status after the CMC, although states that it intends to present evidence as an interested party.

9. I now consider, in light of the current position, the evidence would best be heard by means of a hearing. I have set out my reasons in a separate note to the parties when I consulted them. All parties are content the appeal can follow the hearing procedure.

10. I consider that this procedure will also enable MRSG, as an interested party, to present its evidence and contribute in a more structured way than in an inquiry.

11. I will allow statements of case to be submitted/previous submissions added to, but with a firm deadline of 9 January, the original date for submission of proofs of evidence. This must be strictly adhered to.

12. Although no longer a Rule 6 party, given what was said at the CMC, I expect MRSG to act as a co-ordinator of the views of local residents which should reduce the number of individual residents who may wish to speak. MRSG however remains an interested party and has no special status. I will not hear repeated evidence. MRSG must also be aware that any issues that it raises must be supported by evidence in its statement and that this evidence will be tested.

13. The hearing sessions will take the form of a structured discussion led by me. The appellant's barrister can still lead the team and contribute to the discussion. The hearing will be topic based, and be related to the main issues which I have identified. There will be no cross-examination. I will issue agendas and ask questions.

14. After my opening, I will invite the appellant to briefly present an overview of its case. I will then invite those local residents and bodies who wish to make general points in opposition to the scheme to do so. Then we will

move into the topic-based sessions. We will pick up any outstanding matters. We would conclude on a session on the planning balance.

15. I do not intend to hold a round table session on housing land supply. The appellant and the Council agree that there is not a 5 year supply and at best it is 3.92 years. The appellant considers it to be lower. I am content for an agreed range to be set out in the Statement of Common Ground and arguments set out in the planning balance session. I may ask some questions on housing land supply at the hearing.

16. There will be a round table session on planning conditions and the S106. I would then invite the appellant to make any closing submissions.

Duration

17. I consider that the event could take place over two sitting days including the site visit. The third day of the original first week should be held in reserve. I will set out a programme in due course.

Site Visit

18. I will undertake a site visit prior to the hearing and again during or after the hearing. I would like access to the site for my second site visit and may need to be accompanied by a representative of the appellant and the Council. There will be no discussion of the case on site. I will provide more details at the hearing.

The Inquiry venue

19. At the CMC the Council said it would announce the venue shortly. Subsequently the Council has indicated that there may be some difficulty securing a venue for the week commencing Monday 5 February. This was highlighted at the CMC. The event dates have been set for some time. I urge the Council to confirm the venue as a matter of urgency. This will be required for legal notices and so that all participants can make arrangements.

20. Mr Robins confirmed that the event will be livestreamed. This should help keep attendance numbers manageable and provide a useful resource for those members of the public who cannot attend in person.

Document Library

21. The Council has offered to host the hearing library online. A list of Core Documents will need to be referenced in the statements, so an early agreement on the CD list is necessary.

Costs

22. The appellant confirmed that it is likely to make a costs application against the Council. If this is the case, it will be submitted by 23 January with an opportunity for a written response from the Council.

Timetable

23. Although the hearing procedure will now be followed, I propose to retain the same timetable as agreed at the CMC. This is set out below.

Date	**Action**
2 January 2024	Core Document list agreed and online library set up
9 January 2024	Statement of Case from appellant and from interested parties incl.MRSG who may wish to add to existing submissions.
23 January 2024	Rebuttal Statement(s) from appellant (if needed)
23 January 2024	Appellants Costs application (if made)
23 January 2024	Final Draft S106 submitted
30 January 2024	Costs application response
30 January 2024	CIL Compliance Statement Issued
30 January 2024	Programme/Agendas issued by Inspector
6 February 2024	Hearing opens

24. I will not need paper copies of the Core Documents. I will however require paper copies of the Statements and possibly some of the plans. The case officer will confirm to the Council and the appellant those which I would like printing.

25. I will not require an executed version of the Section 106 at the hearing but will require it soon after. I will set a date for this at the hearing following discussion at the session. However, I require the Council and the appellant to agree the position on planning obligations such that the appellant can send to me the final draft version in accordance with the timetable.

Mike Worden
INSPECTOR
20 December 2023