

Steven Brown

From: Steven Brown
Sent: 10 October 2024 15:32
To: Stacey Robins
Cc: [REDACTED]
Subject: RE: Planning Application WD/2024/1799/ - BIRD IN EYE FARM, BIRD IN EYE HILL, FRAMFIELD, TN22 5HA

Afternoon Stacey

Thank you for your time on the phone yesterday afternoon.

During our call, you stated that the Council considers it has a case (pursuant to s70A) to decline to determine the planning application submitted via the planning portal on 31 July 2024 (and released by the portal to the Council on 2 August 2024) (LPA Ref: WD/2024/1799/O), albeit such a stance was in your words “not without some risk”.

You advised that over what is roughly the 7 week period since our 23 August 2024 response on section 70A, you have been in contact with your counsel on a number of occasions, and that counsel has reviewed a ‘decline to determine report’ concerning the application. You further advised that a decision is to be taken on the grounds of trees, heritage, design and matters raised (albeit in a limited way) by East Sussex County Council. You added that ‘part of the problem’ with the application was the purported conflict with some of the main issues raised by the Inspector in the previous appeal decision.

You advised that should the Applicant withdraw the application by this Friday (11 Oct 2024), the Council would be willing to enter into discussions to discuss a further revised scheme to address the Council’s concerns. I asked if (without determining the Council’s final position) you could advise as to the changes that would be deemed necessary to address your concerns. You advised that the Council had issues with the development proposed in the northwest part of the site as well as the proposed development parcel in the southwest part of the site. You intimated that development to the east of the commercial buildings was likely to be acceptable.

You advised that, absent a withdrawal in what amounts to the 36 hours or so after our call, the Council intends to validate the planning application, retain the planning application fee (which I note was in the sum of circa £48,000) and issue a report on its decision to decline to determine it. You stated the Applicant has until this Friday (11th October) to advise if it intends to withdraw the application. If it advises it intends to do so, the application fee will be refunded. If not, the Council proposes to retain the fee when declining to determine the application.

The Applicant considers that the Council’s proposed course of action is both legally flawed and demonstrably unfair.

The background to our call is as follows:

- 31 July – planning application submitted, following pre-application process (which included the payment of a pre-app fee for the advice and which raised no section 70A issue).
- 2 August – planning application released by the planning portal to the Council.
- 5 August – Acknowledgement letter received from the council confirming receipt of the planning application (LPA Ref: WD/2024/1799/O)
- 19 August – letter from the Council raising s70A as an issue, and requesting comments upon the Council’s intention to decline to determine the application, by 1600 on Friday 23rd of August (giving the Applicant just four days to respond).
- The Applicant responded with a legal opinion just before 0800 on the morning of Friday 23rd August.

- We did not hear substantively from the Council until our conversation yesterday, almost seven weeks after the submission of our legal opinion. We have now been given less than two days to confirm if the Applicant is prepared to withdraw the planning application.

The Applicant considers that is a clearly unfair manner in which to proceed, and is unable to understand the concerns that both trigger section 70A and justify the exercise of its discretion to decline the Council thinks it has (though noting that the Council itself is of the view such a decision is “not without some risk”). The Council should afford the Applicant a proper opportunity to consider and comment on the decline to determine report while it is in draft. It would not prejudice the Council in any way to do so.

The Applicant invites the Council (1) to provide at once the draft decline to determine report and any related counsel opinion on which the Council relies, and (2) to delay any decision to decline until 1600 on Friday 25 October (or until earlier receipt of any comments which the Applicant wishes to make, or confirmation that it does not wish to do so).

I trust the above is clear and look forward to hearing from you.

Best wishes

Steven Brown BSc Hons DipTP MRTPI

[REDACTED]
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From: Steven Brown

Sent: 07 October 2024 08:09

To: Stacey Robins <[REDACTED]>

Cc: planning <[REDACTED]>

Subject: RE: Planning Application WD/2024/1799/ - BIRD IN EYE FARM, BIRD IN EYE HILL, FRAMFIELD, TN22 5HA

Morning Stacey.

I hope you had a good weekend.

I'd welcome an update please.

Thank you.

Best wishes

Steven Brown BSc Hons DipTP MRTPI

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]



From: Steven Brown

Sent: 02 October 2024 17:44

To: Stacey Robins <[REDACTED]>

Cc: planning <[REDACTED]>

Subject: RE: Planning Application WD/2024/1799/ - BIRD IN EYE FARM, BIRD IN EYE HILL, FRAMFIELD, TN22 5HA

Hi Stacey

I tried calling yesterday and left a VM.

I am available between meetings tomorrow if you would like to discuss.

I look forward to hearing from you.

Thanks.

Best wishes

Steven Brown BSc Hons DipTP MRTPI

[REDACTED]
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[REDACTED]



From: Steven Brown

Sent: 01 October 2024 13:44

To: Stacey Robins <[REDACTED]>

Cc: planning <[REDACTED]>

Subject: Re: Planning Application WD/2024/1799/ - BIRD IN EYE FARM, BIRD IN EYE HILL, FRAMFIELD, TN22 5HA

I'll try you shortly...

Sent from my iPhone

On 1 Oct 2024, at 11:15, Steven Brown <[REDACTED]> wrote:

Hi Stacey

That should work as a lunch break is scheduled for that time..!

I do have a call booked in for 1330.

Do call my mobile and if I miss you I will call back.

That OK?

Thanks

Best wishes

Steven Brown BSc Hons DipTP MRTPI

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[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]



From: Stacey Robins <[REDACTED]>

Sent: 01 October 2024 11:12

To: Steven Brown <[REDACTED]>

Cc: planning <[REDACTED]>

Subject: Planning Application WD/2024/1799/ - BIRD IN EYE FARM, BIRD IN EYE HILL, FRAMFIELD, TN22 5HA

Steven

I called the office but understand you are out at a conference most of the day but might have a slot 13:00-14:00

If you are free can call, could you?

Thanks

with Kind Regards,

Stacey Robins | Head of Planning & Environmental Services
Wealden District Council | Vicarage Lane | Hailsham | BN27 2AX
01892 602 518 | [REDACTED]

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