

Good afternoon,

The Inspector notes the Council's email of 12 November 2025. He comments as follows:

(1)The Council should still prepare a statement of case which effectively provides specific reasoning relating to the recent decision to not defend the reasons for refusal. Ideally, without prejudice conditions should be appended including express agreement from the appellant to any pre-commencement conditions.

(2)A SofCG should still be prepared and, given the resolution of the planning committee last night, this will now need to be in the context that none of the reasons for refusal will be defended by the Council. In that regard, the SofCG will include essentially matters that are in agreement. There are, however, some matters, including landscape character, heritage etc where some harm did appear to be identified by both parties. The SoCG should include those matters including the weight to be given to any such harms. The SofCG should also include reference to the housing land supply position – clarification is needed in terms of whether there is common ground about the actual position in terms of the number of years of housing supply. It should also include a common ground position in terms of planning balance reasoning, particularly if there are some harms identified.

(3)It would be useful to still hold a CMC next week simply to discuss how the inquiry will be run. The Inspector advises that the appellant still prepares proofs of evidence relating to the reasons for refusal of planning permission and perhaps short sessions at the inquiry simply on an 'evidence in chief' basis would be sensible. This seems fair in terms of third parties who may want to put questions to the appellant's witnesses. Concerns have been raised about such issues by third parties as part of the application/appeal process. The Inspector will of course allow third parties an opportunity to have their say at the inquiry itself. In that regard, the appellant should ensure that technical experts are on hand to either ask questions of the witnesses or to respond to matters raised. In respect of third parties, who will be heard after opening submissions, the Inspector will ask them whether they are prepared to be asked questions by the main parties and that, if not, it will decrease the weight that can be attached to their evidence.

Given the Council's changed position, the Inspector is mindful that the inquiry is now likely to be shorter. The up five days scheduled seems more than enough. Time estimates, duration, the running order, the presentation of the appellant's evidence etc can be discussed at the CMC next week. No doubt the appellant will also give this some thought in advance.

(4)The Council should immediately write to all interested parties explaining its changed position and that it will no longer be defending any of the reasons for refusal. This is partly why a statement of case is still needed from the Council as no doubt members of the public will want to know why the position has changed. The Council will be able to refer to the statement of case in its letter sent to all interested parties (i.e., those that have made representations and both application and appeal stages).

(5)The deadlines as outlined in the Inspector's note of yesterday should still be complied with - although it is noted that the Council will not now prepare proofs of evidence.

(6)An inquiry is still appropriate, albeit that there will not be cross examination. In that regard, and while the appeal will still proceed via the inquiry procedure, the event will in some ways proceed more like a hearing. Opening and closing submissions will still be needed from both parties - although those of the Council will no doubt be brief. The Council's opening will need to refer to its decision to not defend any of the reasons for refusal following the planning committee meeting last night.

(7)The Inspector still wants information relating to points (i), (ii) and (iii) although (i) and (iii) could be succinctly included in the SofCG and (ii) could be provided by means of a short position statement which explains what planning/environmental considerations were specifically taken into account when officers decided to put forward the site as a draft allocation and whether there are objections to the relevant allocation policy.

The Inspector would be grateful if both the appellant and Council would immediately confirm if the above is noted and will be actioned.

Kind regards

Stephen



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