

Note of explanation for the Council's decision to withdraw Reasons for Refusal 1 and 2

On 30 July 2026, the Inspector directed that a note be produced by the Council, explaining why it decided to withdraw Reasons for Refusal ("RfR") 1 and 2.

The proposal was reported to the Planning Committee on the 22 January 2026 with a comprehensive Officer's report recommending the application for approval.

Councillors considered the proposal in some detail and resolved that the scheme failed to comply with the grey belt tests in respect of purposes a and c and in light of the harms arising that there were no very special circumstances that would allow permission to be granted, accordingly, the scheme represented inappropriate development within the Green Belt ("RfR1").

Additionally, they considered the proposal would result in the deterioration of ancient woodland both within and adjacent to the site ("RfR2").

A formal decision notice was issued on the 30 January 2026 refusing the application.

The Appellant duly submitted the appeal on the 11 February 2026.

The Local Planning Authority reported its proposed Regulation 19 Local Plan to an Extraordinary Full Council meeting on the 27 January 2026. The Appeal Site, whilst included as a proposed allocation within the Regulation 18 consultation document, was not included within the Regulation 19 version.

On the 5 February 2026 the Minister of State for Planning and Housing issued a holding direction preventing the Council from taking any further steps in connection with the adoption of the Plan.

On the 18 March 2026 the Minister issued a Local Plan Intervention letter including 9 directions to the Council. One of those directions included a requirement for the Council to include this Appeal site within the Regulation 19 Pre-Submission Local Plan [CD6.1].

The Local Planning Authority, acting appropriately and consistent with the Planning Practice Guidance, reviewed their case and took expert advice, as part of sensible, on-going case management, prior to the production of evidence.

As regards the ancient woodland (RfR2), on review, and after taking advice, the Council considered that the scheme provided sufficient mitigation to ensure that there would not be material adverse effects on the woodland such that deterioration would occur. In particular, in reviewing further the comments from the Forestry Commission, it was considered that appropriate mitigation measures could be secured at reserved matters

stage as part of the comprehensive landscaping scheme, to adequately mitigate the effects of the development, including appropriate conditions requiring a Woodland Condition Assessment, to assist with ongoing management and preservation.

Further, when having regard to the benefits of the scheme, the Council concluded that a robust argument could not be presented in support of the reason for refusal and as such the Local Planning Authority formally withdrew this reason for refusal on 24 April 2026 (as confirmed in the first Statement of Common Ground dated 8 May 2026 [CD9.4]).

As regards the Green Belt/grey belt issue ("RfR1"), the comprehensive committee report considered the characteristics of the site, having regard to the impact on the purposes of the Green Belt, and reached a clear conclusion that the site was grey belt land and that the then requisite tests in NPPF 155-157 were passed, such that the proposal did not constitute inappropriate development in the Green Belt. Councillors disagreed. On review, there was concern that the decision did not pay full regard to the assessment considerations set out in the NPPG (and now set out in NPPF 2026 Annex E).

When also considered in the context of the Minister's Direction to include the site within the Regulation 19 Pre-Submission Local Plan, it was considered appropriate to obtain legal advice before pursuing the Appeal any further.

The legal advice supported the original recommendation of officers and concluded that the site was likely to be considered to be grey belt, having regard to the tests in the NPPG, and to meet the tests in paragraphs 155-157 of the NPPF. To continue to defend RfR1 placed the Council at risk of an adverse costs award.

Extensive discussions were held with Councillors and senior staff, and based on the legal advice, the Ministers Direction and a detailed review of the merits of the case, looking in particular at the PPG assessment guidance, it was decided not to pursue RfR1. The Council formally withdrew this reason for refusal on 24 June 2026 (as confirmed in the second Statement of Common Ground dated 7 July 2026 [CD9.5]).

The Council therefore sought to review their case as swiftly as possible, in the circumstances, to assist the Inquiry, as is required by good case management.

The Council therefore endorse the Officer's Committee Report which sets out the position of the Council in respect of Green Belt and Ancient Woodland matters.

24 August 2026