

[REDACTED]

From: Emma Hargreaves
Sent: 04 February 2025 20:36
To: Emma Hargreaves
Subject: FW: 3333923 & 3334094 - Land at Chilmington Green, Ashford Road, Great Chart, Ashford [PM-AC.FID5944260]

From: Skinner, Helen <[REDACTED]>
Sent: 31 January 2025 14:50
To: Emma Hargreaves <[REDACTED]>
Cc: mharnett <[REDACTED]>; Elizabeth Nuttall <[REDACTED]>; Jeremy Baker <[REDACTED]>
Subject: [EXTERNAL] RE: 3333923 & 3334094 - Land at Chilmington Green, Ashford Road, Great Chart, Ashford [PM-AC.FID5944260]

Good afternoon,

On 8 January 2025 KCC submitted a Response to the Appellants' Modifications 23 December 2024. It has asked for a PINS response to its objection that Requests 97 and 98 would amend the traffic monitoring and traffic calming obligations so as to substantially extend the scope of the applications on appeal introducing new arguments and issues.

The appellants appealed against the non-determination of the applications which appeals were accepted as valid by the Secretary of State in its letter of 5 July 2024. The S106B process follows the spirit of the planning appeals rules and regulations. In the letter of 5 July 2024 it was noted that each Proposed Change was listed in the schedule accompanying the application and that, following an exchange of correspondence, the appellants clarified in respect of each Proposed Change whether it was for a modification or a discharge of the obligation in question. That was necessary for a proper understanding of the position to enable the appeals to proceed, since the legislation does not appear to allow for any equivocation on the matter. It is not open to the inspector to impose their own modifications to the obligations, therefore the nature of each Proposed Change must be clear.

Counsel for the appellants was of the view that an application could be revised as it progressed, whether to change the substance of the modification because the issue is being resolved in a different way or to improve its wording or catch up with consequential changes. The scope for doing so remained on appeal, in the appellants' view, with in both situations the need to do so fairly. It did not follow that text which later proves to need work rendered the application unlawful. The Inspectorate responded to this view by stating that "resolving in a different way" might throw up a result that is substantively different and unforeseen and that an application should not evolve into something else as it is being considered on appeal. If this proved to be the case with a Proposed Change it would be likely to be rejected.

Further modifications are now sought to Requests 97-98 which would change those requests from applications to amend the traffic monitoring and traffic calming obligations in Schedule 21 and 30A, to applications to discharge those obligations in their entirety. KCC contends that in so doing, the modifications would substantially extend the scope of the applications on appeal introducing new arguments and issues. Having regard to the s106 deed, the nature of the original (extant) modification requests and reasons therefor, the responses from KCC to the extant modification requests, the appellants' further modifications and statement of reasons, and KCC's response of 8 January 2025

together with the reasons stated therein, I would agree. In addition, any further consultation required would undermine the inquiry timetable. Therefore, the original modification requests should stand and will be examined as such unless PINS is otherwise advised by the appellants. It remains open to the appellants to seek discharge of such obligations through another application to KCC.

Kind regards

Helen



Planning
Inspectorate

Helen Skinner
Inquiries & Major Casework Team Leader
Planning Inspectorate
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From: Emma Hargreaves [REDACTED]

Sent: 29 January 2025 14:34

[REDACTED] beth

Subject: RE: 3333923 & 3334094 - Land at Chilmington Green, Ashford Road, Great Chart, Ashford [PM-AC.FID5944260]

Dear Leanne and Helen

Please could you kindly provide an update on this? We have not received a response to the correspondence below.

Thanks

Emma

Emma Hargreaves
Associate



For Pinsent Masons LLP

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From: Emma Hargreaves
Sent: 08 January 2025 15:58

[REDACTED]

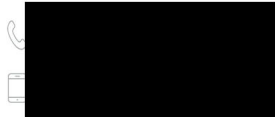
Subject: RE: 3333923 & 3334094 - Land at Chilmington Green, Ashford Road, Great Chart, Ashford [PIM-AC.FID5944260]

Dear Leanne and Helen

Please see the attached submission made on behalf of KCC in response to the Appellants' modifications dated 23 December 2024.

Kind regards

Emma Hargreaves
Associate



For Pinsent Masons LLP

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From: Faye Tomlinson [REDACTED]
Sent: 08 January 2025 15:46

[REDACTED]

Subject: [EXTERNAL] RE: 3333923 & 3334094 - Land at Chilmington Green, Ashford Road, Great Chart, Ashford

Dear Leanne & Helen,

Following receipt of the appellants amended proposed table of modifications on the 23 December 2024, the Council has updated Annex A to its Statement of Case with a response to each of the modifications proposed that relate to the borough Council's obligations – please see attached. The Council's responses are highlighted in 'blue' for ease of reference.

Regards
Faye

Faye Tomlinson
Team Leader Strategic Applications
Strategic Development and Delivery
Planning & Development Service
Ashford Borough Council

[REDACTED]

[REDACTED]

Subject: RE: 3333923 & 3334094 - Land at Chilmington Green, Ashford Road, Great Chart, Ashford
Importance: High

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Good afternoon

The Inspector acknowledges receipt of the further modifications requested, viability submissions and education statement provided by the appellants on 23 December. He also acknowledges receipt from Ashfield Borough Council of the copy appeal decision Ref APP/E2205/W/24/3345454 dated 22.11.2024. The decision granted planning permission on appeal by Hodson Developments Ltd for 655 dwellings at Land north of Possingham Farmhouse, Ashford Road, Great Chart, TN26 3BQ.

The Inspector has considered the submissions made by the appellants together with the representations from the Councils made in each of their respective statements, and on the issue of viability the Inspector considers that viability may be relevant to the “useful purpose” test in section 106A. Therefore, whilst parties will have further opportunities to make submissions within the final timetable set for the inquiry, the appellants should continue to progress production of the full viability report as requested in the cmc of 19 December, ie by Wednesday 8 January 2025.

As to the further revised modifications submitted with the application, also received on 23 December, the Inspector notes the changes which the appellants would now like to make to the application and the reasons therefor, as annotated in the table (106 Modifications Table) provided.

The modifications now withdrawn appear to be those set out in Table/14, 56, 75, 76, 77, and 120. As to the reasons given for the further changes sought, these include accepting compromises suggested in ABC’s statement of case, dispensing with definitions no longer needed, prior satisfaction of an existing obligation, remedying inconsistencies with existing proposed changes and to reflect the position reached as a result of permission now granted for the Possingham Farm scheme and the associated s106 agreement (eg Table/ 65, 95, 97, 98).

In general, the Inspector is willing to take these requests under consideration. However, some of the further modifications now requested may be regarded as more consequential than others. For example, although currently appealed obligations may be said to require further modification to align with the

outcome of the Possingham scheme, it is also for consideration whether the original obligation(s) should remain but if so, why.

Therefore, if the Councils wish to reply to the further modification requests, they should do so no later than Wednesday 8 January 2025.

Kind regards

Leanne Palmer (on behalf of Helen Skinner)

Leanne Palmer
Major Casework
The Planning Inspectorate,
3rd Floor, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN

<https://www.gov.uk/government/organisations/planning-inspectorate>

Twitter: @PINSgov

Email: [REDACTED]

From: Mark Harnett [REDACTED]

Sent: Monday, December 23, 2024 5:57 PM

[REDACTED]

Subject: RE: 3333924 & 3334094 - Land at Chilmington Green, Ashford Road, Great Chart, Ashford

I'm using Mimecast to share large files with you. Please see the attached instructions.

Dear Helen

As requested by the Inspector at the CMC I now attach:

1. A further revised draft of the table of modifications submitted with the application highlighting the changes which the Appellant would now like to make to the application with a note (in the final column) of the reasons for the change. We have included in the first column an annotation (NC, W or A) which we hope will assist the Inspector in locating quickly where changes are proposed.
2. Education Statement ; and
3. Submissions on Viability.

I am also attaching (by Mimecast link for ease of transmission) a copy of the section 106 agreement for the Possingham development as the Inspector may find it helpful to look at it when considering the changes which have been proposed.

I should be grateful if you would acknowledge receipt and confirm that this email and the attachments has been passed on to the Inspector.

Kind regards

Mark Harnett
Partner
for Fladgate LLP

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(p) +44 20 3036 7248

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Address click [here](#)

fladgate



From: Skinner, Helen [REDACTED]

Sent: 19 December 2024 15:57

Subject: RE: 3333924 & 3334094 - Land at Chilmington Green, Ashford Road, Great Chart, Ashford

Good afternoon,

Please see the Inspector's CMC note attached.

Kind regards

Helen



Planning
Inspectorate

Helen Skinner

Inquiries & Major Casework Team Leader

The Planning Inspectorate

T 0303 444 5531 | M [REDACTED]



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From: Skinner, Helen

Sent: Tuesday, December 17, 2024 1:28 PM

Subject: 3333924 & 3334094 - Land at Chilmington Green, Ashford Road, Great Chart, Ashford

Good afternoon,

Please see the CMC invitation and agenda attached.

I have bcc'd your team members where I have contact details, but do not have details for David Adams and Barry Stiff, if you could pass this on to them please Sarah.

Mark, I'd be grateful if you could share this with your attendees pleas.

Kind regards

Helen



Planning
Inspectorate

Helen Skinner

Inquiries & Major Casework Team Leader

The Planning Inspectorate

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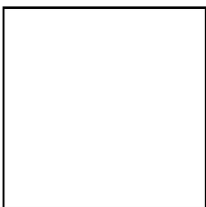
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