

Patshull Road, Albrighton Inquiry

Appellant's Observations on Recovery Reasons

1. By letters dated 16th September 2026 the Secretary of State notified the Appellant and the Council of the recovery of the appeal which will now be determined by the Secretary of State.
2. The letters explain that:
"The reasons for this direction are that the appeal involves proposals which raise [a] important or [b] novel issues of development control and/or [c] legal difficulties, and [d] proposals for significant development in the Green Belt."
(Lettering inserted for ease of reference.)
3. On the same day the Inspector asked the parties to provide their observations on these reasons.
4. The Appellant notes that the reasons comprise the 3rd and 8th of the ten criteria for recovery set out in the Ministerial Statement of 30th June 2008.
5. The only observations which the Appellant wishes to make are as follows:
 - As to [a] one can understand how given that the determination of the appeal will involve the application of national planning policy in S5[5] of NPPF 2026 to a proposal which includes 800 homes in the Green Belt, it could be (and in the letters has been) described as raising important issues of development control (or in contemporary parlance – decision-making).
 - As to [b] similarly given that the presumption set out in S5[5] of the 2026 Framework is newly formulated, as is the approach to the weight to be given to development plan policies in the circumstances set out in paragraph 2 of NPPF Annex A, it is understandable that "novel issues" have been referred to. The Framework was less than a month old at the date of recovery. Doubtless in due course issues like these will no longer be novel.
 - As to [c] which follows "and / or" the Appellant does not consider there to be any "legal difficulties" in determining the appeal.
 - As to [d] the proposals are indeed for significant development in the Green Belt (the Appellant relies on NPPF GB7[1]g. *grey belt* and in the alternative on GB6[2] *very special circumstances*).
6. The Appellant's substantive submissions on the important / novel issues concerning the proposals for significant development in the Green Belt are summarised in the Appellant's Opening Submissions and will be elaborated in the Closing Submissions.

Christopher Katkowski CBE KC

John Barrett

17th September 2026