

SECTION 78 TOWN AND COUNTRY PLANNING ACT 1990

APPEAL BY BONINGALE DEVELOPMENTS LIMITED FOLLOWING THE REFUSAL OF AN OUTLINE PLANNING APPLICATION TO INCLUDE ACCESS FOR A MIXED-USE DEVELOPMENT COMPRISING UP TO 800 NO DWELLINGS, A CARE HOME OF UP TO 80 UNITS, A SECONDARY SCHOOL AND LOCAL CENTRE WITH ASSOCIATED ACCESS, INFRASTRUCTURE, LANDSCAPING AND DRAINAGE

Appeal Ref: 6007402

LPA Ref: 24/02108/OUT

RULE 6 PARTY'S OBSERVATIONS ON RECOVERY REASONS BY THE SECRETARY OF STATE

1. On Wednesday 16th of September 2026, the Secretary of State notified the Appellant and the Council that she will recover the appeal in exercise of her powers under section 79 and paragraph 3 Schedule 6 of the Town and Country Planning Act 1990.
2. In the letter notifying the parties of the recovery, the reasoning provided was as follows:

“The reasons for this direction are that the appeal involves proposals which raises [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 above is taken from the Appellant's response for ease of reference)

3. The Inspector requested our observations as to the reasons for the recovery by the Secretary of State.
4. Our observations are as follows:
 - a. As to [a], [b] and [d] we concur with the Appellant's observations;
 - b. As to [c], although we are not of the view that the appeal raises any legally complex or novel issues, the Inspector is aware of our concerns as to the delivery of various aspects of the Proposal and importance of the s106 agreement in this regard.

5. We will elaborate and address the specific matters raised above in our Closing Submissions in due course.

CHATURA SARAVANAN

No5 Barristers Chambers

London – Birmingham – Bristol

18 September 2026