

PPG: P19-2022

20th August 2024

The Planning Inspectorate,
Temple Quay House,
2 The Square,
Bristol,
BS1 6PN

Dear Alison,

RE: APP/Y2430/W/24/3340258 – Fields OS 6700 6722 And 5200, Muston Lane, Easthorpe.

On behalf of the Appellant, we wish to raise with the Inspector our concerns over how the LPA are progressing the clarification of its case following receipt of their Proof of Evidence on Tuesday 13th August 2024.

This is the first time that the Appellant has been made aware of the full content of any comments from the Local Authority Conservation Officer. These were not provided during the determination of the application (Melton Borough Council "MBC" reference: 22/00537/FUL), are not transcribed in full within the Committee Report (*Core Document 3.1*) and have not made available on the MBC website to date (please find enclosed a date stamped PDF of the webpage at **Appendix 1**). Mr Malim makes reference to the comments being a 'Core Document'; however, the Appellant was not made aware of their inclusion by the Local Authority prior to exchange. The content of the Conservation Officer comments will be discussed by Ms Armstrong within a forthcoming rebuttal, as required.

Mr Malim makes references throughout his evidence, including within his concluding paragraph, to 'non-designated heritage assets'. Mr Bond then indicates within his Planning evidence that harm arises to 'non-designated heritage assets'.

Mr Malim does not, however, name any specific non-designated heritage assets, nor were non-designated heritage assets mentioned within the Reasons for Refusal, the Local Authority's Statement of Case (*Core Document 9.3*), later correspondence regarding confirmation of their heritage case (*Core Documents 10.2, 10.8, 10.9 and 10.12*), or the Statement of Common Ground (*Core Document 9.5*).

In light of the above, we need to understand whether the Local Authority is seeking to expand its case, or whether references to 'non-designated heritage assets' can be disregarded. If the Local Planning Authority want to pursue the matter we request that the Local Authority provide further detail as to their expanded case on non-designated heritage assets.

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Mr Malim also makes reference to numerous designated heritage assets which fall outside of the Local Authority's heritage case, as confirmed on 29th July 2024 (*Core Document 10.12*), and identify as relevant to the consideration of this Inquiry within the Statement of Common Ground (*Core Document 9.5*) –namely, Scheduled Earthworks at Easthorpe; Easthorpe Conservation Area; and Grade II Listed Peacock Farmhouse. As Mr Malim concludes that no harm would arise to these assets, it is understood that references to these additional heritage assets result from Mr Malim's commentary on the ES Chapter and Heritage Statement **only**, and not because the Local Authority are now seeking to expand their case. If that is not right, we request that Local Authority provide further clarification regarding designated heritage assets which do form part of their expanded case.

Next Steps

We do not believe this is an appropriate way in which to proceed in regard to any of the above matters, if the LPA does seek to introduce new matters into its evidence, this will potentially cause prejudice to the Appellant and detailed rebuttal evidence may have to be prepared potentially delaying the Inquiry and causing unnecessary costs. As such, the Appellant would appreciate the Inspector's clarification and guidance to all parties on how to proceed as the Public Inquiry is now only 3 weeks away.

Specially, we request that the Inspector seek clarification from the Local Authority on:

1. Whether the Local Authority are now seeking to expand its heritage case with regard to the inclusion of 'non-designated heritage assets', or whether references to non-designated heritage assets can be disregarded. If the Local Authority are now seeking to identify harm to non-designated heritage assets, confirmation on which 'non-designated heritage assets' is required from the Local Authority.
2. Whether references to Scheduled Earthworks at Easthorpe; Easthorpe Conservation Area; and Grade II Listed Peacock Farmhouse within Mr Malim's evidence are made purely in regard to commentary on the ES Chapter and Heritage Statement, and not as a result of the Local Authority now seeking to expand their case to include these assets.

In order for the Appellant's witness to have sufficient time to address the above matters, we would request that confirmation is received by Friday 23rd August 2024.

Kind regards,

James Willey

Associate Planner

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