

From: Prideaux Planning <prideauxplanning@gmail.com>
Sent: 26 May 2026 17:12:18 UTC+01:00
To: "Steven King" <Steven.King@midsussex.gov.uk>
Subject: DM/26/0432 – Whittaker House

Dear Steven,

The Appellant notes and welcomes the Council's confirmation that refusal reasons 1 and 2 are capable of resolution through the completion of an appropriate legal agreement.

As you are aware, the Appellant has consistently maintained throughout the application process that all matters raised by the Council are capable of satisfactory mitigation and resolution.

In particular:

- the planning obligation matters can be addressed through the appeal process and completion of the relevant agreement;
- the refuse arrangements are operationally functioning in practice, with no collection issues identified by the Council's Waste Officer;
- additional land within the wider site is available to accommodate revised refuse and cycle storage provision if required;
- and the proposal does not result in any significant departure from the approved built form previously granted planning permission.

The Appellant has now also obtained Counsel's advice in relation to the refusal and appeal position. Counsel's view is that, once refusal reasons 1 and 2 fall away through the completion of the legal agreement, the remaining refusal reasons are not realistically defensible at appeal given that the remaining matters are capable of straightforward mitigation, as acknowledged within the consultee responses themselves.

In particular, the Local Highway Authority expressly invited consideration of alternative cycle provision elsewhere within the site and the Appellant immediately confirmed that such land was available. Equally, the Council's Waste Officer confirmed there are no operational collection issues arising at the site.

The Appellant therefore remains willing to work proactively and constructively with the Council in an effort to resolve matters without the need for a contested appeal process.

However, before further time and expense is incurred progressing amended details and legal agreements, the Appellant would require clarity as to whether the Council is genuinely prepared to reconsider and withdraw the refusal decision in full should suitable amended cycle/refuse arrangements and the relevant planning obligations be secured.

As matters presently stand, the appeal will continue.

Kind regards,

Rebecca Ali
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