

BY CONSENT it is ordered that:

1. Permission to proceed with the Claimant's application is granted.
2. The First Defendant's decision letter dated 4 April 2022 allowing the Appeals is quashed on the grounds set out in the attached Schedule of Reasons and the matter be remitted to the First Defendant for redetermination.
3. The First Defendant shall bear his own costs and pay the Claimant's costs of this claim in the amount of £8250 within 14 days of the sealed order.
4. The Second Defendant shall bear its own costs.
5. The Third Defendant shall bear its own costs.

We consent to an Order in the above terms:

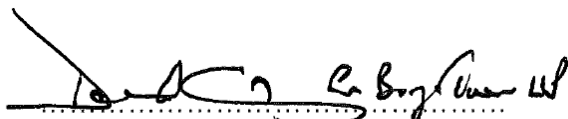


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STATEMENT OF REASONS

1. These proceedings concern an application for statutory review under section 288 of the Town and Country Planning Act 1990 by the Claimant against the decision of the First Defendant to allow the Third Defendant's Appeals against the Second Defendant's decisions to refuse planning permission for residential development at Coldthorn Barn, Coldthorn Lane, Hailsham, BN27 3PJ ("**the Appeal Site**").
2. The Claimant alleges that the Inspector took an unlawful approach to considering whether or not land to the north and south of the application site and known as Coldthorn Wood was "ancient woodland" for the purposes of paragraph 180(c) of the National Planning Policy Framework ("**the NPPF**").
3. While the identification of ancient woodland for the purposes of the NPPF is a matter of planning judgment for the Inspector, the First Defendant accepts that at paragraphs 30 and 31 of his Decision Letter the Inspector erred in his reasoning that conclusive proof (i.e. maps from — at the latest — 1600) was required to establish that Coldthorn Wood fell within the definition of ancient woodland in the NPPF.
4. The First Defendant accepts that this error materially affected the outcome of the Appeals and accordingly it is appropriate for the Court to make an Order quashing the decision and remitting the matter to the First Defendant for redetermination.

BY THE COURT