

EMAIL ONLY

Planning Inspectorate

Our Ref: 015892/3/PS/
Parminder Sanghera

**Your
Ref:**

31 July 2026

Dear Sirs

Re: APP/R3650/C/25/3366481, 3366493, 3366387, 3366483, 3367392 & 3367393
Plots at Stovolds Hill, Cranleigh

We write further to your email of 28 July 2026 @ 10.00 which was sent to Dr Angus Murdoch, who is the Appellant's (Barney Doherty) agent.

Dr Murdoch has been engaged in a family emergency all of this week and remains unable to respond. This relates to his mother-in-law and her imminent end of life situation.

We have some queries in relation to your email of 28 July 2026 and would appreciate it if this letter could be placed before the Inspector as a matter of urgency as you have indicated that he is unavailable for most of August. Further, we have grave concerns as to the fairness of the conduct of these proceedings; the Appellant is being unfairly and unreasonably prevented from presenting evidence on a fundamental part of his appeal, through no fault of his own.

Chronology

1. Submissions were made by the LPA in relation to the Wheatcroft principles and the proposed late evidence of Dr Murdoch. The Appellant's submissions were provided to PINS on 8 June 2026. The submissions from the Appellant stated: *"The Inspector is respectfully requested to reject the Council's submissions made in respect of the claimed issues arising out of the application of the Wheatcroft Principles, to accept the Appellant's evidence on flooding, ecology and landscape, and to issue Directions as to the submission of evidence from the Appellant with regards to need/supply and the general planning balance, in the context where the Appellant intends to rely upon the evidence on need/supply currently before the Clegg Appeals which is dated April 2026 and to which the Council has already provided a substantive response in May 2026; The Appellant is content, for the purposes of expediency, for the issue of need and supply to be addressed by a roundtable session, as requested by the Council;"*
2. On 15 July 2026, confirmation was provided that the Inspector had agreed to accept the evidence on flooding, ecology and landscape. However, there was no mention in that email from PINS regarding the proposed delayed evidence of Dr Murdoch, which was one of the outstanding matters for the



Inspector to provide a decision on. On instruction, Dr Murdoch drafted his proof and provided it on 24 July 2026.

3. The LPA's Mr Bennett objected to Dr Murdoch's proof being admitted. In his email of 20 July 2026, Mr Bennett stated: *"The LPA wishes to raise a fundamental objection to this for the following reasons. The LPA has never received any indication from the Planning Inspectorate that new or late planning evidence would be accepted from the appellant at this stage."*

We are now over five months past the original deadline for evidence. Allowing a late proof of evidence at this late stage causes obvious procedural prejudice to the LPA. The proposed timing for the submission of this late is particularly problematic as key members of the LPA's appeal team will be taking pre-booked annual leave during August. This severely impacts our practical ability to review and properly prepare any rebuttal ahead of the Inquiry opening.

*We request urgent confirmation from the Inspector that they will **not** be accepting late planning evidence from the appellant at this stage of the appeal process."*

4. Dr Murdoch drafted his proof and provided it on 24 July 2026. He had to consider the flooding, ecology and landscape evidence before his proof could be finalised. The evidence on flooding, ecology and landscape was only permitted by PINS on 15 July 2026. Attempting to provide professionally competent evidence on the planning balance to be applied and the weight to be given to those matters included in that balance could not properly or sensibly be provided in advance of finalising the evidence on flooding, ecology and landscape, or in advance of consideration of the need/supply position of the LPA, which was only provided to the Appellant a matter of days before the initial evidence deadline. The Appellant has never been given the opportunity to address the LPA's most recent need/supply evidence (for the reasons set out in earlier correspondence) and preventing him from doing so now is fundamentally unfair and unreasonable.
5. The email from PINS of 28 July 2026 refers to an earlier email of 14 May 2026. *"He previously asked that rebuttals in relation to Ecology, Landscape and Flooding and, if required, updated Proofs of Evidence should be submitted at least 4 weeks prior to the Inquiry*. In my email of 14 May the Inspector dealt with evidence in relation to need/supply and that "No further written submissions will be requested in relation to this". The Inspector sees no need to change what he said in this regard."*

We have concerns/outstanding queries regarding this recent email from PINS and would seek urgently clarification on the questions below:

1. Please confirm that the Inspector is allowing the Appellant to use the evidence submitted by WS Planning on need/supply submitted in the Clegg Appeals and for this issue on need/supply to be dealt with at the round table discussion? This should not present any difficulty or prejudice to the LPA as they have already considered this evidence in the Clegg Appeals;
2. There may still be an outstanding determination on the evidence of Dr Murdoch as outlined in the Appellant's submissions dated 8 June 2026. Have we understood the email correctly, that the Inspector is allowing the general planning sections of Dr Murdoch's proof of evidence which was submitted on 24 July 2026 and providing a Direction for Dr Murdoch to amend and resubmit his proof 4 weeks prior to the Inquiry?

If the Inspector is not permitting any evidence from Dr Murdoch, then this will severely prejudice the Appellant's ability and fair opportunity of presenting his arguments. The issue regarding Dr Murdoch's

proof not being submitted in February 2026 has been with PINS for many months and arises from the GTAA 2025 and PDA Appendix which caused the adjournment of the Clegg Inquiry. It is appreciated that matter was delayed with CMCs not proceedings due to personal circumstances outlined in the submissions of 8 June 2026 and the change in the Inspector appointed to determine these appeals. The Appellant should not suffer prejudiced for this.

If the Inspector is against us in relation to the evidence of Dr Murdoch, then a compromise is suggested and it would be intended for Dr Murdoch to provide a Rebuttal proof on need, supply and planning matters 4 weeks before the Inquiry (3 weeks if this can be agreed with the LPA). This is the only reasonable, fair and proportionate resolution.

To prevent the Appellant from advancing any argument in respect of the planning balance, which is fundamentally dependent upon the need/supply position, given the unfortunate timing of the provision of LPA evidence on these matters, would be to visit a significant procedural unfairness upon the Appellant. The appellants in the Clegg Appeals, in identical circumstances of timing, were fairly afforded the very opportunity to address the need/supply evidence that is being denied to the Appellant in this appeal. The Appellant has a legitimate expectation that he will be afforded the same opportunity. It would not be in the interests of any party to this appeal if the Inquiry was further delayed in the event that judicial review proceedings become necessary in order to challenge the current procedural unfairness and denial of the legitimate expectation of the Appellant that he should be afforded the opportunity of addressing the need/supply position, and thus the planning balance, an opportunity that he has thus far not been afforded.

In relation to Rebuttals from the other experts, having liaised with the landscape and ecology experts, they have indicated that they do not intend to produce Rebuttal evidence. We are yet to determine whether a Rebuttal will be produced in relation to flooding.

We look forward to hearing from the Inspector as soon as possible.

Yours faithfully,

A handwritten signature in black ink, consisting of the letters 'CP' in a stylized, cursive script.

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