



APP/N5090/W/24/3346789 – Land northwest of May’s Lane, Arkley, Barnet, EN5 2AH

*Change of use for stationing of caravans for residential use with hardstanding
and dayrooms ancillary to that use*

CASE MANAGEMENT CONFERENCE SUMMARY NOTE

Introduction

1. This note summarises the Case Management Conference (CMC) held on Wednesday 13 November 2024.
2. The CMC was led by Graham Chamberlain BA(Hons) MSc MRTPI, the appointed Inspector.
3. The purpose of the CMC was to set out matters relating to the ongoing management of the appeal and the presentation of evidence.
4. There was no discussion on the merits of the case, although some positions were stated in respect of the main issues.
5. It is requested that this note, and the pre-conference note, are placed on the Council’s website, so they are available for interested parties to see.

Sitting Dates and Location

6. The Inquiry is scheduled to open at 10:00 on Tuesday 21 January 2025. It will resume on subsequent days at 09:30.
7. The inquiry will likely adjourn each day at around 17:00 although we may go on until 17:30. The Council will provide an update as to whether this would not be possible on account of evening meetings.
8. It will be an in-person event held at Hendon Town Hall.
9. The event is currently programmed to sit for five days inclusive of the 28 January 2025.
10. It was agreed that this is likely to be tight, and therefore reserve days should be programmed.
11. At this stage, it was agreed that the 29 January 2025 can be an ‘in person’ reserve day. The appellant’s team will explore whether the 30 January 2025 can also be reserved (they currently have a clash with another event). The 31 January 2025 is reserved as a ‘virtual’ day that may be used for the discussion on suggested conditions and closing submissions.
12. Whether the reserved days are required will become more apparent as things progress towards the event.
13. The Council will need to provisionally book a venue for the reserve days and plan to host/run the virtual day.

Appeal Format

14. The parties agreed that an Inquiry is the most appropriate format for the appeal.

Likely Main Issues

15. The Council and Quinta Village Green Residents Association (QVGRA) confirmed that they were not raising objections regarding tree protection measures or whether the appellants meet the planning definition of a Gypsy or Traveller as set out in the Planning Policy for Traveller Sites.
16. QVGRA confirmed that it is raising concerns regard the effect of the proposal on bats.
17. QVGRA will also urgently review their position regarding the accessibility of services and facilities, in particular the safety of walking along May's Lane. They will advise whether they wish this matter to be considered as a main issue. It was agreed that it is a separate point to the safety of the site access.
18. Therefore, after discussions at the CMC, and based on the submissions before me, the main issues are currently as follows:
 1. *Whether the proposal would be inappropriate development in the Green Belt and its effect on the openness and purposes of the Green Belt;*
 2. *Whether the proposal would be in a suitable location, with reference to policies concerned with development in areas at risk of flooding;*
 3. *The effect of the proposed development on the character and appearance of the area;*
 4. *The effect of the proposed development on biodiversity, with particular reference to Great Crested Newts and bats;*
 5. *The effect of the proposed development on highway safety, with particular reference to access and egress*
 6. *General other considerations – including the general need for and supply of pitches, whether the Council can currently demonstrate an adequate supply of pitches, whether there is a failure of policy and any other relevant points flowing from the Planning Policy for Traveller Sites.*
 7. *Personal circumstances – the availability (or lack) of alternatives sites to meet the accommodation needs of the appellants, health, education and welfare, the 'best interests of the child' and the Public Sector Equality Duty.*
 8. *Whether a temporary permission would be appropriate in the event a full permission is not.*
 9. *If the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.*
 10. *Any Human Rights implication in the event planning permission is not granted.*

19. In respect of MI2, the parties will incorporate submissions regarding whether a sequential test is necessary.
20. It is essential that the Council, QVGRA and the appellant continue to effectively communicate with one another to seek to narrow the issues for consideration at the Inquiry.

Dealing with the Evidence

21. Save for Main issue 3 and Main Issue 5, all the main issues will be addressed through the formal presentation of cases with opportunities for cross and re-examination.
22. The former would be subject to a round table discussion.
23. The appellants will appear as witnesses and will be taken through their evidence on personal circumstances.
24. In addition, the Council and appellant intend to call witnesses on highways, ecology, flood risk and planning. Highway witnesses will take part in the round table session. The Council may also call a witness to present evidence on the need, or otherwise, for pitches.
25. QVGRA will call one witness.
26. None of the witnesses will give evidence under oath/affirmation.
27. It would also be open for the parties to address any points raised by interested parties when formally presenting their cases.

Running Order

28. The Inquiry will begin with my opening comments.
29. I will then invite opening statements to set the scene (up to 15 minutes), from the appellant followed by the Council and then QVGRA.
30. I will then hear from interested parties.
31. QVGRA will endeavour to ascertain whether any of the residents they represent intend to make submissions at the inquiry and circulate this before the inquiry opens for information.
32. After this, the first-round table session on character and appearance and highway safety will take place in a hearing format.
33. We will then move to the other main issues, which will be addressed in themes (flood risk, biodiversity, planning).
34. Under each theme, the Council will present its case, followed by QVGRA and then the appellant.
35. Each witness will be able to present their evidence in chief. I will have read the Proofs, so this can be factored in.
36. There will then be an opportunity for cross examination by the other parties.
37. The parties will only be able to cross examine on the matters they take issue with.
38. Following this, there may be questions from interested parties that take a contrary view to the witness. I may also ask some questions.
39. There will then be an opportunity for re-examination by the witnesses' advocate.
40. Once the cases have been presented, I will lead a second round table session on conditions.

41. There will then be an opportunity for closing submissions. The Council first, then QVGRA and then the appellant.
42. The closings should ideally be no longer than an hour, should simply set out the respective cases as they stand at the end of the Inquiry and should be fully cross referenced.
43. It would be very helpful if closings can be provided in writing.
44. I will endeavour to circulate a draft timetable setting out the running order before the Inquiry opens. I will do this once I have final time estimates from the advocates.
45. The advocates are expected to take no longer than the timings indicated. This will require the cooperation of both advocate and witness.

Conditions and Costs

46. An agreed schedule of suggested planning conditions, and the reasons for them, must be submitted at the same time as the proofs if not before.
47. Several versions may be required to account for different scenarios, including full permission, personal permission, a temporary permission or a combination of these.
48. Ideally, they will be included in the Statement of Common Ground (SOCG) and presented in Microsoft Word.
49. The Council should take the lead on preparing the list, in discussion with the appellant and QVGRA.
50. The parties will need to pay careful attention to the wording, and the conditions will need to be properly justified having regard to the tests for conditions in the National Planning Policy Framework.
51. Any difference of opinion relating to the suggested conditions, including alternative wording, should be highlighted in the schedule with a brief explanation given.
52. I will subsequently need to be provided with a certified copy of the final draft.
53. The appellants indicated an intention to make an application for an award of costs.
54. The Planning Practice Guide is clear that it is good practice to submit applications in writing before the Inquiry opens.
55. It would be helpful if any cost applications are made in sufficient time to enable the other party to respond in writing before the Inquiry opens.
56. There will be an opportunity to supplement or make cost applications during the event.
57. In addition, I have the power to initiate an award of costs.

Content of the Statement of Common Ground (SOCG)

58. A draft SOCG is currently being circulated and will hopefully be submitted when the proofs are due. Of course, it would be helpful if this could be done sooner as it may streamline what needs to be covered in the proofs.
59. It was agreed that the SOCG will include/address the following:
 - A list of the drawings and documents considered by the Council at the application stage;
 - A list of any new drawings and documents submitted with the appeal;
 - A list of suggested planning conditions;
 - A list of the main matters agreed and not agree;

Proofs, Core Documents and Inquiry Documents

60. The case for the appellant, Council and QVGRA should already have been set out in full in their statement of case, which should also have included all documents and evidence they will be referring to.
61. Consequently, the main purpose of proofs of evidence is to allow the witnesses a chance to marshal previously provided evidence and give their opinions on the evidence of the other parties.
62. As a result, new evidence should not be provided with the proofs.
63. The proofs must be submitted by the 24 December.
64. I will need hard copies of all the proofs. Please send them to the Case Officer who will then forward them on to me.
65. The parties will need to discuss and agree a list of core documents in advance of finalising the proofs. This is so they can be properly referenced in the proofs.
66. That list is to be co-ordinated by the appellant and submitted with the proofs.
67. Please find attached at Annex 1 a template for the list.
68. The Core Documents should comprise only those documents/extracts to which you will be referring to in the proofs.
69. Only relevant development plan policies should be included.
70. Any Appeal Decisions and/or legal authorities that are included will each need to be prefaced with a note explaining the relevance of the document to the issues arising in the Inquiry, together with the propositions on which you are seeking to rely, with the relevant paragraphs flagged up.
71. The Core Document list will need to be available in an electronic format and available to interested parties. I will also access them in this way.
72. The Council will host the core documents on a page of its website.
73. On this basis, there will be no need for hard copies to be printed save for the reports into personal circumstances. These documents will be listed as a core document, but there will not be electronic copies.
74. Any documents submitted once the Inquiry has opened will be recorded as an 'Inquiry Document' on a separate list overseen by me.
75. The appellant and Council will need to keep the online document list up to date with any inquiry documents.
76. A minimum of three copies of any new documents produced at the Inquiry will be required, one each for the two other main parties and one for me. Extra copies may also be necessary for interested parties.

Late Evidence and Rebuttals

77. Unless I have specifically requested it, then evidence submitted outside of the inquiry timetable is 'late evidence'.
78. The appellants have indicated their intention to submit late evidence in respect of highway safety (the matters listed at Paragraph 4.36 of the Council's Statement of Case) and biodiversity (a mitigation strategy for Great Crested Newts). In this respect, the position of the appellants appears to have evolved from the Statement of Case.
79. The appellants indicated an intention to make these submissions as soon as possible.
80. This would be prudent as it will enable the Council and QVGRA an opportunity to seek professional advice and then address the late evidence in their proofs.
81. In addition, it is likely that the Local Highway Authority and Natural England would need to be formally consulted and interested parties given a reasonable period to review the documents.

82. In the circumstances, there is a risk that I may not accept late evidence if it would require a significant postponement of the inquiry.
83. The appellants confirmed that they do not intend to submit new evidence regarding the need for pitches. They will be relying on previously submitted evidence, which will be used to inform the relevant proof.
84. Similarly, QVGRA confirmed that it would be referring to evidence appended to its Statement of Case (Appendix 10.1.4) when making its case regarding the effect on bats.
85. At this stage, and other than the above, there was no indication that late evidence will be submitted.
86. Rebuttals are discouraged although they may be useful in some narrow circumstances as outlined at Paragraph 11.13.2 of the Procedural Guide: Planning Appeals.

Timetable for submission of documents

87. The timetable for additional documents is as follows;

24 December 2024	Signed Statement of Common Ground Suggested conditions (Council to lead) Proofs of Evidence Schedule of appearances – name, qualifications (if relevant), how they would like to be addressed at the Inquiry (Ms, Miss, Mrs, Dr, Mr etc...) and job title/organisation. Core Documents List (appellant to lead), with access provided to these electronically.
By the 3 January 2025	Copy of the Inquiry notification letter and list of those notified (to be supplied by the Council) Any rebuttals Preliminary suggested route for my site visit (from appellant and Council)
By the 10 January 2025	Final time estimates (from advocates) and confirmation as to who instructed them
21 January 2025	Inquiry opens

Housekeeping

88. The Council confirmed the following arrangements
 - A. The venue will be Hendon Town Hall.
 - B. There may be facilities available for interested parties to observe virtually, but not take part.

- C. The Council will confirm if documents and material can be left over night and if any evening meetings are planned.
- D. There will be an audio system and hearing loops.
- E. There will be photocopying facilities.
- F. There will be WIFI.
- G. A parking space will be reserved for me for each day. I will be using a hire car so will not be able to give a number plate in advance.
- H. Details of local car parks will be sent to the appellants.
- I. A member of staff will be on hand to meet me at around 9am on the first day of the Inquiry to address any questions I have about arrangements/room layout¹.
- J. There will be a breakout room for me, the appellants and QVGRA.

Other Matters

- 89. The advocates were confirmed as Mr Michael Rudd for the appellants, Mrs Annabel Graham-Paul for the Council and Mr Michael Fry for QVGRA.
- 90. There will be no general attendance list circulated at the Inquiry. However, I will ask those appearing/speaking to fill in an attendance form if I do not already have their details.
- 91. At this stage, I am minded to visit the site on an 'Access Required' basis. This is where I visit the site alone and the appellant arranges access. I will keep this under review and the logistics will be discussed at the Inquiry. I would be grateful if the parties could provide a route/itinerary of what they would like me to view.
- 92. I will likely visit the site after I have heard the evidence but will keep this under review in case a break presents itself in the programme.
- 93. I will undertake a pre inquiry visit, but do not anticipate the need to enter the site at that point.
- 94. The Council confirmed that it is not seeking a planning obligation.
- 95. The Council will circulate comments from Natural England as soon as possible, along with the evidence previously marked as 'confidential'.
- 96. Please do not hesitate to contact me, through the Case Officer, if you require any further clarification regarding the matters covered in this note.

Graham Chamberlain
INSPECTOR

13 November 2024

¹ Please refer to these documents for further guidance on the room layout - <https://www.gov.uk/government/publications/setting-up-a-venue-for-a-public-inquiry-hearing-or-examination/public-inquiries-hearings-and-examinations-venue-and-facilities-requirements>
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/989247/Suggested_layout_of_a_room.JPG

ANNEX A – EXAMPLE TEMPLATE FOR CORE DOCUMENTS LIST

(adapt headings to suit)

CD1 Application Documents and Plans

1.1

1.2 etc

CD2 Additional/Amended Reports and/or Plans submitted after validation

2.1

2.2

CD3 Committee Report and Decision Notice

3.1 Officer's Report and minute of committee meeting

3.2 Decision Notice

CD4 The Development Plan

4.1

4.2

CD5 Emerging Development Plan

5.1

5.2

CD6 Relevant Appeal Decisions*

6.1

6.2

CD7 Relevant Judgements*

7.1

7.2

CD8 Other

8.1

8.2

Any Appeal Decisions on which a party intends to rely must each be prefaced with a note explaining the relevance of the Decision to the issues arising in the current Inquiry case, together with the propositions relied on, with the relevant paragraphs flagged up. A similar approach is to be taken in relation to any legal citations relied upon.