

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

**10:00 – Wednesday 13 November 2024**

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

**CASE MANAGEMENT CONFERENCE**

**PRE-CONFERENCE NOTE**

**Introduction**

1. The Inspector appointed to conduct the Case Management Conference (CMC) and Inquiry and determine the appeal is Graham Chamberlain BA(Hons) MSc MRTPI.
2. Attached as a separate document is the conference agenda.
3. The purpose of the CMC is to set out matters relating to the ongoing management of the appeal and the presentation of evidence.
4. The CMC will not involve any discussion on the merits of the case and no evidence will be heard.
5. The Inquiry is scheduled to open at 10:00 on Tuesday 21 January 2025.
6. It will be an in-person event with the venue to be confirmed. The Council should provide an update on this at the CMC or beforehand if possible.
7. The Inquiry is currently programmed to sit for five days (21-24 January and the 28 January 2025). Whether this is sufficient will be discussed at the CMC.
8. It may be that if the 28 January is only required to deal with conditions and closing, then this additional day could be conducted as a digital event/session hosted by the Council.
9. I have additional availability on the 29-30 January if required. Whether these should be kept as reserve days will be discussed at the CMC.

**Appeal Format and Scheduling**

1. I understand that there have been some queries relating to the format of the appeal and whether a hearing would be more appropriate. Given the volume of objections and the extent and technical nature of the evidence, an Inquiry would be the optimal format. There will, however, be an opportunity to discuss this at the CMC if it is considered necessary.
2. I understand that an Inquiry may result in some scheduling difficulties for the appellant’s team. This should be discussed with the Case Officer.

**Likely Main Issues**

1. The Council has confirmed that given the additional information supplied by the appellant, it no longer wishes to pursue its second or fifth reasons for refusal. The latter is subject to the imposition of conditions.
2. However, Quinta Village Green Residents Association (QVGRA) maintains an objection in both respects.
3. Therefore, and based on the submissions currently before me, the main issues in this appeal appear to be as follows:
4. *Whether the proposal would be inappropriate development in the Green Belt and its effect on the openness and purposes of the Green Belt;*
5. *Whether the proposal would be in a suitable location, with reference to policies concerned with development in areas at risk of flooding;*
6. *The effect of the proposed development on the character and appearance of the area;*
7. *The effect of the proposed development on biodiversity, with particular reference to Great Crested Newts;*
8. *The effect of the proposed development on highway safety, with particular reference to access and egress*
9. *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.*
10. *Personal circumstances – whether the appellants meet the planning definition of a Gypsy or Traveller, the availability (or lack) of alternatives sites to meet their accommodation needs, health, education and welfare, the ‘best interests of the child’ and the Public Sector Equality Duty.*
11. *Whether a temporary permission would be appropriate in the event a full permission is not.*
12. *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.*
13. *Any Human Rights implication in the event planning permission is not granted.*
14. It will be necessary to discuss at the CMC whether the above interprets and encapsulate the issues most pertinent to the outcome of the appeal.
15. The Inquiry may also look at other matters raised by consultees and interested parties. It would be advantageous if these, where known, are addressed through the Statement of Common Ground (SOCG) and/or Proofs.
16. It is essential that the parties effectively communicate with one another to seek to narrow the issues for consideration at the Inquiry. This is most effectively achieved through a SOCG.
17. In respect of Main Issue D, I am in receipt of an email (dated 7 August) from the Council explaining that ‘further traditional ecology surveys’ are required. For the avoidance of doubt, I can confirm that the Inquiry will not be postponed to permit the preparation of these surveys. The evidence will need to address whether such surveys are necessary.
18. In respect of Main Issue B, the Environment Agency’s surface water flood risk maps appear to show that parts of the site are at a ‘High’ risk of surface water flooding, including the site access.
19. The National Planning Policy Framework states that a sequential approach should be applied to development to avoid flood risk to people and property (Paragraph 167). It also explains that a sequential test should be applied to steer development to areas at the lowest risk of flooding from any source (Paragraph 168). The Planning Practice Guide explains that the sequential test should be applied to development proposed in areas at risk of flooding unless it meets one of three criteria, including where the site is in an area at low risk from all sources of flooding[[1]](#footnote-1). The site is not, however, in an area of low flood risk.
20. The parties should therefore provide further comments on this matter through their proofs. In particular, whether a sequential test is required pursuant to Paragraph 168 of the National Planning Policy Framework.

**Possibly Further Main Issue**

1. QVGRA seem to raise concerns about the accessibility of services and facilities (Para 6.8.8) in their Statement of Case. Clarification will be sought at the CMC as to whether they wish this to be considered a main issue (MI). Similarly, QVGRA’s concerns regarding the effect on bats will need to be discussed as a possible MI (Para 6.6.7 of their Statement of Case).

**Format for Delivering Evidence and Running Order**

1. The Inquiry will focus on the areas where there is disagreement. The CMC will explore how best to hear the evidence.
2. At this stage, it is likely that the evidence will be delivered through the formal presentation of cases and cross examination although there may be scope to deal with MI C and E through a round table session.
3. The general running order of the Inquiry will also be discussed at the CMC.

**Conditions and Costs**

1. During the CMC I will wish to discuss

* The submission of an agreed list of conditions (without prejudice).
* An early indication if any party intends to apply for an award of costs.

**Core and Inquiry Documents**

1. During the CMC I will wish to discuss the preparation of a core documents list (including presentation and availability online). And how any inquiry documents will be recorded and made available online.
2. I will not have regard to any evidence marked as confidential and it will be removed from my file. I will only have regard to information that has been made available for inspection by all parties.

**Timetable for further submissions**

1. The deadline for the submission of proofs of evidence, and rebuttal statements (if exceptionally necessary), will also be discussed at the CMC.
2. Annex 1 includes a note of how the proofs should be presented.
3. I will require hard copies of all proofs and openings. These should be sent to the Case Officer.
4. It would also be advantageous if closings are submitted in writing.
5. Clarification will be sought from the appellant as to whether they intend to submit any of the material outlined in Paragraph 4.36 of the Council’s Statement of Case in relation to highway matters.
6. It is not anticipated that there will be any need for additional documents to be handed up during the Inquiry. You should review your cases promptly to ensure that is the case. Any late evidence should be brought to my attention as soon as possible.

**Statement of Common Ground**

1. The deadline for the submission of a SOCG will be discussed at the CMC. It should be submitted as a Word document and include 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 (several lists may be required to cover the scenarios e.g. general permission, personal permission, temporary permission). Both parties should reflect on whether the suggested conditions would meet the relevant tests in See Paragraphs 55 and 56 of the National Planning Policy Framework;
* A list of the main matters agreed and not agree;

**Housekeeping**

1. During the CMC I will wish to discuss housing keeping matters including the venue, Inspector retiring room, retiring rooms for the main parties, whether material can be left over night, audio systems, hearing loops, IT and admin support, photocopying, whether there will be facilities for parties wishing to observe virtually, WIFI, Inspector car parking space etc….

**Other Matters**

1. During the CMC I will also wish to discuss:

* The submission of the letter notifying interested parties of the Inquiry arrangements
* Confirmation of the advocates and who will be appearing.
* Arrangements for the site visit.
* Update on any comments from Natural England
* Whether any witnesses intend to give evidence under oath or affirmation

Graham Chamberlain, 8 November 2024

INSPECTOR

**Annex 1 - Content and Format of Proofs and Appendices**

Content

Proofs of evidence **should**:

* + focus on the main issues identified, in particular on areas of disagreement;
  + be proportionate to the number and complexity of issues and matters that the witness is addressing;
  + be concise, precise, relevant and contain facts and expert opinion deriving from witnesses’ own professional expertise and experience, and/or local knowledge;
  + be prepared with a clear structure that identifies and addresses the main issues within the witness’s field of knowledge and avoids repetition;
  + focus on what is really necessary to make the case and avoid including unnecessary material, or duplicating material in other documents or another witness’s evidence;
  + where data is referred to, include that data, and outline any relevant assessment methodology and the assumptions used to support the arguments (unless this material has been previously agreed and is included as part of the statement of common ground).

Proofs **should not**:

* + duplicate information already included in other Inquiry material, such as site description, planning history and the relevant planning policy;
  + recite the text of policies referred to elsewhere: the proofs need only identify the relevant policy numbers, with extracts being provided as core documents. Only policies which are needed to understand the argument being put forward and are fundamental to an appraisal of the proposals’ merits need be referred to.

Format of the proofs and appendices:

* + Proofs to be no longer than 3000 words if possible. Where proofs are longer than 1500 words, summaries are to be submitted.
  + Proofs are to be spiral bound or presented in a lever arch file with appendices.
  + Front covers to proofs and appendices are to be clearly titled, with the name of the witness on the cover.
  + Pages and paragraphs should be numbered.
  + Appendices are to be bound separately.
  + Appendices are to be indexed using projecting tabs, labelled and paginated.

1. Paragraph: 027 Reference ID: 7-027-20220825 [↑](#footnote-ref-1)