

APPEAL REF: APP/M3645/W/23/3319149

Land at The Old Cottage, Station Road, Lingfield.

14 June 2023 - CASE MANAGEMENT CONFERENCE (CMC) SUMMARY

Introduction

1. The Inspector appointed to conduct the Inquiry is Mr David Spencer.
2. The Inquiry is to open at 10:00 hours on Tuesday 8 August 2023.
3. Both main parties had initially indicated that up to 5 sitting days may be required. In considering the number and nature of the main issues identified, the potential for a round table discussion on housing land supply, the acceptance of two Rule 6 parties to the Inquiry and the level of public interest in the case, it was agreed that this would need to be revised upwards to at least 7 sitting days, with a Day 8 held in reserve as a buffer.
4. The advocates for the event were confirmed as Douglas Edwards, of King's Counsel, for the appellant, and Heather Sargent, of Counsel, for the Local Authority. Mr Brendan Brett, of Counsel, represented the appellant at this CMC. Lingfield Parish Council (LPC), as a Rule 6(6) party, will be represented by Liz Lockwood, Vice Chairman of LPC and Chairman of its Planning Committee who is likely to also call on the Chair of the Neighbourhood Plan Working Group. Star Fields Action Group (STAG), as a Rule 6(6) party will be represented by Ian Jones, Chairman of STAG and are likely to call on Mr Bill Stevenson for heritage and landscape matters.

Statement(s) of Common Ground

5. A signed statement of common ground (SoCG) was submitted on 26 May 2023 in accordance with an agreed timeframe with the Inspector. The Inspector encouraged the two main parties to formulate a separate heritage SoCG to potentially avoid Inquiry time being absorbed by divergence over the extent of those heritage assets whose settings are affected by the appeal proposal, if possible. Reference was also made to the potential for a separate SoCG on housing land supply and the possibility of a separate SoCG on highways matters.

Main Issues

6. It was agreed that the main issues in this case are:
 - (i) The effect of the proposed development on the Lingfield Conservation Area and the setting of nearby listed buildings and non-designated heritage assets
 - (ii) the effect on the character and appearance of the surrounding area, including whether the appeal site is part of a valued landscape;

- (iii) the effect of the proposal on the openness of the Green Belt and the purposes of including land within it
 - (iv) Whether harm to the Green Belt by reason of inappropriateness, and any 'other harm' identified as arising from the appeal proposal, would be clearly outweighed by 'other considerations', so as to amount to very special circumstances.
7. The Local Authority raised the issue of the effect on the experience of using the Public Right of Way across the northern part of the site, which is the subject of ongoing discussion. It was agreed, that were this to remain a matter of dispute it would form part of the main issue on character and appearance, rather than forming a discrete main issue.
 8. Various technical matters are raised at Section 9 of the Local Authority's Statement of Case. The Local Authority confirmed it would not be pursuing points (iv), (vi) [subject to a S106] and (vii). In respect of point (i) this may be the subject of a Grampian condition, further to dialogue with Surrey County Council. For point (iii) this is anticipated to be addressed by the S106, subject to establishing costs. Points (v) and (viii) are hopefully capable of resolution prior to the event starting.

Dealing with the Evidence

9. The nature of main issues to be examined, the degree of divergence between the two main parties and the level of public interest in the appeal, means that all four main issues identified should be appropriately tested through the formal presentation of evidence, cross-examination and re-examination. The one exception would be housing land supply, which lends itself to a round table discussion, if there remains dispute between the parties on this matter.
10. Given the extended timeframe for sitting and the likely fragmentation of sitting days, the Inspector advises that he will hear the evidence on a topic basis. The Inspector's preference would be to hear the heritage evidence first, potentially the landscape evidence second (to be reviewed dependent on whether the Local Authority engages a landscape witness) and then planning witnesses in terms of the Green Belt, Very Special Circumstances and other considerations that will feed into the respective balances.
11. The cases of the parties will be considered in the following order: the Local Authority, then STAG, then Lingfield Parish Council and then the appellant. Care will need to be taken at the event to avoid any manifest duplication of evidence from those opposing the appeal proposal. The Inspector will anticipate Ms Sargent to lead the cross-examination of the appellant's witnesses for the Local Authority such that supplementary questions of the appellant's witness from either of the Rule 6 parties should explore areas not covered by Ms Sargent's cross-examination. Those giving evidence for the

Rule 6 parties should be prepared to be questioned on their evidence by Mr Edwards for the appellant.

Conditions

12. Without prejudice, a set of proposed conditions were appended to the Statement of Common Ground in the event that the appeal were to be allowed. In discussion at the CMC it was confirmed that the list may be added to as dialogue continues. Going forward, the Inspector anticipates the Local Authority to take the leading role in any further revisions to the list of proposed conditions. As set out in NPPF paragraph 56, conditions should be kept to a minimum and demonstrably meet the necessary tests. Any pre-commencement conditions will need a clear justification and the appellant's written agreement. If there are to be any revisions, an updated schedule of suggested conditions should be submitted by **1 August 2023**.

Planning Obligation

13. The appellant and local authority have indicated that the preferred mechanism for securing planning obligations would be a Section 106 Agreement. The final draft must be accompanied by a statement prepared by the Council demonstrating how the obligations would meet the relevant tests (NPPF paragraph 57). The statement should provide a justification for each obligation, in particular the test of necessity in terms of how it would mitigate a particular harm arising from the development proposed and where relevant development plan policy support. The basis for any financial contributions should be set out, including how the sum was calculated and on precisely what it would be spent. A final draft S106 agreement (or a Unilateral Undertaking) and a separate CIL compliance statement should be submitted no later than **25 July 2023**.

Core Documents/Inquiry Documents

14. The parties will need to discuss and agree a list of core documents in advance of preparing proofs of evidence so they can be properly referenced. The appellant agreed to take the lead in co-ordinating the core document list with the Local Authority.
15. Core Documents should comprise only those documents to which you will be referring and does not need to include the National Planning Policy Framework or chapters of the Planning Practice Guidance.
16. The appellant should provide a hard copy set of core documents for the Inquiry event which can be accessed by interested parties. The Local Authority indicated it would be able to host an electronic set of the documents for everyone to view online.

17. Any documents submitted once the Inquiry has opened will be recorded as Inquiry Documents on a separate list, overseen by the Inspector.
18. A minimum of four copies of any new documents presented at the Inquiry will be required – one for the other main party, copies each for the two Rule 6 parties and one for the Inspector – with extra copies to be made available to assist interested parties if necessary.

Inquiry running order and venue

19. In general, the Inquiry is expected to finish each day no later than around 17:00 hours. The first day will open at 10:00 hours. To make an efficient use of time, it may be functional to resume some or all of the subsequent days at 09:30 hours.
20. With regards to the running order, following the Inspector's opening comments on the first day of the Inquiry, opening statements will be invited from the two main parties and the two Rule 6(6) parties. The Inspector will then hear from any interested parties who wish to speak but are unable to attend for the remainder of the Inquiry sitting.
21. The inquiry will sit in-person. Arranging the venue is a matter for the Local Authority, who have indicated that the first week (commencing 8 August) will be in the Council Chamber of Tandridge District Council's offices in Oxted. To ensure the Inquiry can proceed as expediently as possible thereafter, there is flexibility to the Local Authority in arranging subsequent venues for remaining sitting days provided the venue can comfortably accommodate the Inquiry, is accessible including DDA compliance and hearing loops (if required) and has Wi-fi connectivity. The Local Authority confirmed that it intends to 'live-stream' the event, and this is something which the Planning Inspectorate would encourage.
22. As set out above the Inquiry is likely to require 8 sitting days – 3 ½ days in week 1 (8-11 Aug); potentially 1½ days in week 2 (14-15 Aug) and 3 subsequent sitting days thereafter. Unfortunately, the Inspector cannot sit 16-18 August but can offer good availability from 21 August onwards. It was agreed that the two main parties would liaise following the CMC to determine availability and final programme to be fixed. The Inspector encouraged both parties to provide an update on this matter to the Inspector via the case officer by **23 June 2023**.

Site Visit

23. The Inspector will be visiting the appeal location before the Inquiry on an unaccompanied basis. To fully assess the impact of the appeal proposal the Inspector will need to go onto the site itself as part of an accompanied

site visit. Arrangements will be made for an accompanied site visit during the inquiry event.

Document Submission Dates

24. Various deadlines for the submission of documents are set out below and generally reflect the Inspectorate's guidance for when inquiry documents should be submitted.
25. The Council is to ensure that a copy of the Inquiry venue notification letter and a list of those notified is sent into the Planning Inspectorate no later than **25 July 2023**.
26. There is no reference in the Rules or the Procedural Guide to supplementary or rebuttal proofs and the Inspectorate does not encourage the provision of such. However, where they are necessary to save Inquiry time, copies should be provided no later than **25 July 2023**. It is important that any rebuttal proofs do not introduce new issues. As an alternative to a rebuttal, it may be that the matter could more succinctly be addressed through an addendum statement of common ground.

Date	Document(s)
11 July 2023	Proofs of Evidence
11 July 2023	Core Documents List (appellant to lead)
25 July 2023	Final Draft s.106 documents & CIL Compliance Statement
1 August 2023	Updated Schedule of Proposed Conditions (LPA to lead)
25 July 2023	Rebuttal Proofs of Evidence (if any)
1 August 2023	Submission of Time Estimates from Barristers for both main parties
8 August 2023	Inquiry opens

Costs

27. No application for costs is currently anticipated by any party at this stage. If any application is to be made, the Planning Practice Guidance makes it clear that it should be made in writing before the Inquiry closes. Costs can be awarded in relation to unreasonable behaviour which may include not complying with the prescribed timetables.

David Spencer

Inspector.

14 June 2023