



**APPEAL REFS: APP/W0340/W/24/3346878 (Appeal A) and
APP/W0340/C/24/3351139 (Appeal B)**

Inquiry Case Management Call (CMC) Agenda

Appeal Site: Land to the south of Brimpton Lane, Brimpton Common RG7 4RS
(Appeal A)

Land south of Brimpton Lane and west of Blacknest Lane, Brimpton
Common, Reading (Appeal B)

Appellant: Mr J Slater (Appeals A and B)

Local Planning Authority: West Berkshire District Council

LPA refs: 23/02984/FUL (Appeal A) and 23/00682/15UNAU (Appeal B)

Description of development: change of use of land to Gypsy/Traveller site
comprising the siting of 1 mobile home and 1 touring caravan (Appeal A).

Alleged breach of planning control: without planning permission, the material
change of use of the land by the stationing of a mobile home for residential use
(the "unauthorised development") (Appeal B).

CMC to be held on Friday 25 October at 10:00am

(Details for logging in to the CMC will be/are set out in a separate note)

AGENDA

1. Introduction by Inspector
2. Purpose of the CMC
3. The Inquiry
4. The Enforcement Notice
5. Grounds of appeal and provisional main issues
6. Advocates and witnesses
7. Matters to clarify
8. Further work and format of evidence
9. Timescales for submissions
10. Any other business

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1. The CMC will be led by the Inquiry Inspector, Mr Andrew McGlone BSc, MCD, MRTPI. Attached are instructions for joining the CMC, a conference etiquette to be observed, and the conference agenda.
 2. There will be no discussion during the CMC as to the merits of the parties' respective cases, and the Inspector will not hear any evidence. Rather, its purpose is to set out a clear indication as to the ongoing management of the case and the presentation of evidence, so that the forthcoming Inquiry is conducted in an efficient and effective manner.
 3. Brimpton Common Residents' Group (BCRG) are a Rule 6 party in this Inquiry for Appeals A and B and should be included as part of any correspondence directed to the case officer in respect of both appeals.
 4. Ahead of the CMC, the Inspector asks that, if any of the main parties have not already provided details of those who will be attending the CMC, they do so, including details of your advocates.
 5. The Inquiry is scheduled to open at **10:00 on Tuesday 14 January 2025**. The Inquiry will take place in person. Four sitting days are currently allocated, though the actual number of sitting days will depend on the extent of agreement and disagreement between the parties. Views from the parties will be invited at the CMC, but I am minded to hear closings online with each party afforded adequate time to prepare them after hearing the evidence. The parties should be prepared to respond to whether there may be a requirement for any reserve sitting days, and, if so, how many.
 6. After the opening day, I propose to start each subsequent day at 09:30, though it would be helpful to know at the CMC whether there are any limitations that would not make this possible. The Inquiry will focus on areas where there is disagreement. With that in mind, the CMC will explore how best to hear the evidence to ensure that the Inquiry is conducted as efficiently as possible.
 7. Grounds (a), (b) and (g) have been lodged in respect of Appeal B. The appellant's ground (b) case concerns the alleged breach of planning control on the Enforcement Notice (EN). Noting these and my own observations, responses will be sought from the parties on whether the allegation correctly identifies the development on the site having regard to the situation on the ground and the description of development for Appeal A. Furthermore, the requirements of the EN do not necessitate the land being returned to its previous condition after the other steps are undertaken. Your views will be sought on this, and in respect of both the allegation and requirements whether any changes to the EN would cause an injustice, and if so, how.
 8. In respect of Appeal A and ground (a) on Appeal B, I provisionally consider the main issues in dispute to be:
 - whether the appeal site is a suitable location for the proposed development, including whether occupants would have adequate access to facilities and services, having regard to local and national policies;
 - the effect of the proposal on the character and appearance of the area;
 - whether the proposal would ensure public safety, having regard to AWE Aldermaston and Burghfield;

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- the proposal's effect on ecology, including biodiversity net gain;
 - the proposal's effect on green infrastructure;
 - the proposal's effect on Grade II listed building at Lane End Cottage and the Scheduled Monument of Bell Barrow; and
 - whether there are material considerations which exist that outweigh any conflicts with the Development Plan and any other identified harm resulting from the appeal proposal
 - a) need and supply
 - b) alternatives
 - c) personal circumstances
 - d) intentional unauthorised development
 - e) precedent
 - f) anything else
9. The Council has withdrawn its fifth reason for refusing planning permission (Appeal A) following the submission of the Highways Technical Note by the Appellant with the appeal. BCRG have also confirmed that it does not intend to call a witness on this matter, though has raised concerns in respect of this matter that the appellant will need to address in its Proof of Evidence.
10. A Preliminary Ecological Appraisal (PEA) was submitted on 14 October. The PEA has been shared with the Council and BCRG. I will be seeking clarity from the parties at the CMC on the PEA and whether it changes your respective positions and your cases.
11. Although it does not appear to be an area of disagreement, I have a statutory duty, so, for the time being, I have identified the proposal's effect on the listed building at Lane End Cottage and the Scheduled Monument of Bell Barrow as a main issue. Your views will be sought at the CMC. Even if it is not a main issue, I will require submissions relating to the heritage assets to assist me in reaching my view on them.
12. I would like each party to provide a list of witnesses that you intend to call and what evidence they will cover.
13. I expect more detailed evidence may need to be heard on various items, but potentially not on others. The latter may take the form of individual round table discussions or by taking evidence as read. At this stage, I anticipate issues 1, 3, 4, 5 and 7 may need more detailed evidence, along with matters relating to planning policy and the overall planning balance, including any other considerations and benefits of the proposal. This will require formal presentation of evidence and cross examination. However, my view is not fixed, and I will seek the parties' comments at the CMC. Nevertheless, I hope that the issues between the parties can be sufficiently narrowed to enable each main issue to be dealt with efficiently. The Appellant's evidence will also need to address any other matters raised.
14. I would like clarity at the CMC about whether or not a s106 agreement will be necessary in relation to the proposal.
15. The Statement of Common Ground (SoCG) between the Council, the Appellant and BCRG was due on 21 October but it has not yet been submitted. The parties have been asked to submit an agreed SoCG by 10am

on Thursday 24 October. If the document is not submitted by this time, I will be asking why the SoCG is late and has not been submitted yet.

16. I envisage that specific targeted work will be required by the Appellant, Council and BCRG. Due to the unknown content of the SoCG, it is difficult to pinpoint the extent of such work and to give the parties clear direction on the nature of that work and when it should be completed by.
17. The appellant's Statement of Personal Circumstances has been shared with each main party. The appellant has also confirmed that members of BCRG can engage with the document insofar as those that are engaged in instructing their representative. In any event, so that the parties' cases and my decision is made based on up-to-date information, I will be asking the Appellant to confirm in writing, nearer to the Inquiry, whether the circumstances detailed in the document remain accurate or if there are any other matters that need to be considered.
18. I will be asking the parties to discuss and agree (as much as possible) a detailed list of suggested planning conditions that will be discussed at the Inquiry in the event that I am minded to allow Appeal A and ground (a) on Appeal B. In compiling the list of conditions, the parties should consider the three options put forward by the Appellant.
19. I anticipate taking a topic led format, hearing all the evidence on each main issue together before moving on to the next. The running order will be confirmed nearer to the Inquiry. However, this is likely to be: public safety, ecology, green infrastructure, heritage assets, highway safety, character and appearance, followed by planning matters (suitable location, need and supply, alternatives, personal circumstances, intentional unauthorised development, and any other planning matters), including the planning balance. Suggested planning conditions will be discussed at a suitable point in the programme.
20. It is not yet clear whether residents or objectors will wish to speak, and if so, how many. However, I expect there will be a need to accommodate third parties and the programme may need to be flexible. The Council has confirmed that the Inquiry will be held at West Berkshire Council Offices, Market Street, Newbury RG14 5LD. The Council should confirm at the CMC whether the venue can accommodate everyone who may wish to attend, and that there are suitable rooms for each party and I to use when the Inquiry is not sitting.
21. I would welcome any efforts by the main parties prior to the CMC to help focus on the main issues in dispute, to avoid overlap or repetition, to generally minimise delay, and to otherwise contribute to the efficient use of the time available.
22. The parties are requested to give the above careful consideration in advance of the discussion at the CMC. The attached Annex sets out the conference call etiquette and the preferred format and content of proofs and other material. Please ensure these points are observed.
23. The Council is asked to ensure that a copy of this pre-CMC note is made publicly available along with the other Inquiry documents.

Andrew McGlone
INSPECTOR

23 October 2024

Annex A

Information Regarding Conference Call Etiquette

- Each party should have a single spokesperson nominated to speak.
- The case officer will record the names of those present during the call for each party before the Inspector 'arrives'.
- Please make the case officer aware when joining if you intend to record the conference call.
- Background noise on a conference call can be an issue. You may want to consider putting yourself on mute and then un-muting yourself when you speak.
- Make sure that personal phones are kept away from any speaker phones in order to avoid potential issues.
- Know when, and when not to speak – when you're on a conference call, you can't see the body language of someone who is about to speak. No one likes being spoken over, so make sure you take note of your cues to speak and don't speak over (or louder) than the other participants on the call.
- The Inspector will lead the conference and will invite specific contributors to speak at particular times.
- The Inspector will 'arrive' last and leave first.

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 case law is cited in the proof, include the full Court report/ transcript reference and cross refer to a copy of the report/ transcript which should be included as a core document.

Proofs **should not**:

- **Duplicate information already included in other Inquiry material.** So in respect of items such as the reasons for refusal, descriptions of the site and development and planning history, if they are described in a statement of comment ground, decision notice, committee report or application document, they should not be duplicated in a proof, with crossing referencing back to the source inquiry material; and
- **Recite at length 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 bound in such a way as to be easily opened and read.
- Appendices are to be bound separately.
- Appendices are to be indexed using **projecting tabs**, labelled and **fully paginated**.
- Electronic copies of proofs, summaries and appendices to be submitted to case officer at The Planning Inspectorate on the specified date.