

**APPEAL REFS: APP/K3415/W/24/3340089 (Appeal A) and  
APP/Z3445/W/24/3340094 (Appeal B)**

**Inquiry Case Management Call (CMC) Agenda**

**Appeal Site:** Land north of Browns Lane, Tamworth B79 8TA

**Appellant:** Summix BLT Developments Limited (Appeals A and B)

**Local Planning Authorities:** Litchfield District Council (LDC) (Appeal A) and  
Tamworth Borough Council (TBC) (Appeal B)

**LPA application refs:** 18/00840/OUTMEI and 0241/2018

**Description of development:** outline application for up to 210 dwellings, public open space, landscaping, sustainable urban drainage, access, and associated infrastructure. (all matters reserved except access).

CMC to be held on Friday 17 May at 10:00am (Microsoft Teams)

(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. Provisional Main Issues
5. Advocates and witnesses
6. The Inquiry
7. Further work and format of evidence
8. Timescales for submissions
9. 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 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 these cases and the presentation of evidence, so that the forthcoming Inquiry is conducted in an efficient and effective manner.
  3. 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.
  4. As a reminder TBC's SoC in respect of Appeal B is due by 15 May 2024. The Statement of Common Ground (SoCG) with the appellant concerning Appeal B is also due on this date.
  5. The Inquiry is scheduled to open at **10:00 on Tuesday 2 July 2024**. The Inquiry will take place in person. Six sitting days are currently allocated, with two reserve sitting days, though the actual number of sitting days will depend on the extent of agreement and disagreement between the parties. At this point, the Inquiry will be unlikely to sit on Wednesday 3 July. The Inspector will confirm this shortly. 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.
  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 in order to ensure that the Inquiry is conducted as efficiently as possible.
  7. Based on the submissions to date, I provisionally consider the main issues in dispute to be:

#### Appeal A

- whether the proposal would accord with the spatial strategy in the development plan, with regard to its location and the proposed quantum of housing;
- the effect of the proposed development on the character and appearance of the area, with regards to spatial and visual separation of Hopwas and Wigginton;
- whether the proposal would preserve or enhance the character or appearance of the Wigginton Conservation Area;
- the effect of the proposal on the setting of Grade II listed buildings;
- the need for, and provision of affordable housing in Lichfield and Tamworth, including the mix and tenure; and

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- whether the proposal would make adequate provision for affordable housing, education, healthcare, public open space, off-site highway works and travel plan monitoring.

#### Appeal B

- the effect of the proposed access on the character and appearance of the area, having regard to the development subject of Appeal A; and
  - whether the proposal would make adequate provision for off-site highway works
8. The parties' views on the provisional main issues will be sought at the CMC. Given the disagreement between LDC and the Appellant about the proposal's effect on the setting of listed buildings (paragraph 7.7 of the SoCG), and my statutory duty, I have identified this as a main issue. However, I am mindful that it was not a reason for refusal, and I am unclear which listed buildings are being referred to. Your views will be sought at the CMC.
  9. Although the reason for refusal in respect of the application subject of Appeal B does not raise issue with any heritage assets, given the matters raised in Appeal A, views will be sought from the parties on whether they ought to be main issues for Appeal B also.
  10. The appellant has stated that they intend to call 5 witnesses. LDC and TBC will be asked to confirm how many witnesses they intend to call at the CMC and clarity will be sought at the CMC on what matters each witness giving evidence will cover.
  11. I expect more detailed evidence may need to be heard on item 1, 2 and 5 (Appeal A) 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, I hope that the issues between the parties can be sufficiently narrowed to enable these matters to be dealt with efficiently. The appellant's evidence will also need to address any other matters raised by interested parties.
  12. Given the parties agreement that the proposal would result in less than substantial harm to the Conservation Area, albeit the degree of that is in dispute, my initial thoughts are that item 3 (Appeal A) could be best dealt with as part of individual round table discussions, led by me and based on the proofs of evidence. That could also apply to item 4 (Appeal A). However, the parties' views on this will be sought at the CMC.
  13. As TBC's SoC is yet to be submitted, views will be sought from the parties at CMC how best to hear evidence relating to item 1 on Appeal B.
  14. Should item 6 (Appeal A) and item 2 (Appeal B) not be resolved through the submission of an appropriate planning obligation or planning conditions, then the Appellant and the Councils will need to submit brief proofs of evidence setting out their respective positions with respect to these issues. Each Council should be invited to input into the s106.

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15. As the appeal scheme relates to a development with 100% affordable housing, and I understand both LDC and TBC have housing land supply in excess of five years, I have focussed the provisional main issue on the need for, and provision of affordable houses in LDC and TBC. However, I wish to understand whether the overall housing position in each authority is agreed for the purposes of this appeal. I envisage that specific targeted work will be required by the Appellant, LDC and TBC in respect of affordable housing in the form of topic specific SoCG to be submitted at a later date. That joint work will include outlining the need, delivery and supply of affordable housing in LDC and TBC, together with any other relevant matters. Matters of policy, and the weight that policies carry should be dealt with by the planning witnesses.
  16. 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 (Appeal A unless otherwise stated): spatial strategy, separation of Hopwas and Wigginton, heritage assets, character and appearance (Appeal B), affordable housing, planning obligations (Appeal A and B), followed by planning matters covering other considerations and any other planning matters including the planning balance. Suggested planning conditions will be discussed at a suitable point in the programme.
  17. It is not yet clear whether local 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.
  18. 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.
  19. 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.
  20. 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

10 May 2024

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## **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.

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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 with **1 printed copy of each proof, summary and appendix** sent to the case officer at The Planning Inspectorate within 3 working days thereafter.