

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

Land north of Browns Lane, Tamworth B79 8TA

Outline application for up to 210 dwellings, public open space, landscaping, sustainable urban drainage, access, and associated infrastructure. (all matters reserved except access).

Inquiry Case Management Summary Note

CMC held at 10:00 on Friday 17 May 2024 (Microsoft Teams)

Introductions

1. The case management conference was led by the Inquiry Inspector, Mr Andrew McGlone BSc, MCD, MRTPI.
2. Piers Riley-Smith of Counsel will represent Litchfield District Council (LDC).
3. Glen Baker-Adams, Team Leader – Development Manager will represent Tamworth Borough Council (TBC)
4. Hashi Mohammed of Counsel will represent the appellant.
5. The purpose of the conference was to discuss the ongoing management of the case, not the merits of the parties' positions.

Inquiry format

6. The Inquiry will take place in-person and will open at 10.00am on Tuesday 2 July 2024, resuming at 09:30 on subsequent sitting days. The Inquiry will not sit later than 17:00.
7. The Inquiry is scheduled to sit for up to 6 days, and there are 2 reserve days, though the number of sitting days is likely to reduce depending on the evidence and extent of agreement between the parties before the Inquiry opens. The Inspector is minded to hear closings online and to provide each party with adequate time to prepare them. However, until I have time estimates, any potential reduction on the sitting days will not be clear.
8. Due to other commitments, the Inquiry is unlikely to sit on Wednesday 3 July. I shall confirm whether we can sit on that day shortly.
9. I have details of the availability of the appellant's witnesses. If there are any time constraints for any witnesses that might need to be catered for, please advise the case officer at the earliest opportunity.
10. The Council will provide details of the Inquiry venue. This is likely to be the council chamber at LDC's offices. Retiring rooms for each party and I are to be provided. The Council should confirm the venue and any relevant details by **29 May 2024**.

11. Sessions at the Inquiry will last for about 1.5 hours with at least 15 minute breaks between, longer over lunch. There are likely to be two sessions in the morning and two in the afternoon.
12. Local people and organisations are encouraged to take part in the Inquiry process, as local knowledge and opinion can often be a valuable addition to the evidence given by the appellants and the Councils. If there are several people with the same views, it is often a good idea for one person to speak on behalf of the others, in order to avoid repetition.

Main issues

13. As a result of discussions at the CMC, the main issues for each appeal are set out below. I have considered the appellant's views, but they reflect the matters in dispute and consider the statutory duty relating to the heritage assets. I will keep matters under review and will take into account your further work in the lead up to the Inquiry.

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 Wigginton;
- whether the proposal would preserve or enhance the character or appearance of the Wigginton Conservation Area;
- the need for, and provision of affordable housing in Lichfield and Tamworth, including the mix and tenure; and
- whether the proposal would make adequate provision for affordable housing, education, healthcare, public open space, off-site highway works and travel plan monitoring.

14. In addition, I will need evidence concerning the proposal's effect on the setting of Grade II listed buildings.

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.

Dealing with the evidence

15. At this stage, I expect more detailed evidence will need to be heard on items 1 and 2 (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 be dealt with by formal examination of evidence. The evidence of the appellant will also need to address the other matters raised by interested parties. Its planning witness may deal with any outstanding matters or may field other witnesses to deal with some of these matters depending on the evidence that emerges.

16. There are contrasting views on how evidence relating to item 4 would be best heard. At this stage, I am unable to give a clear indication as further targeted work is required and the extent of agreement and disagreement will inform how such evidence is best heard. I will confirm how the Inquiry will proceed after PoE are submitted. However, LDC's witness will cover affordable housing matters for both LDC and TBC.
17. With regards to item 3, further work is required here. This will help inform whether a roundtable session is necessary, or whether written statements would suffice or whether written statements plus written responses to any questions that I have may be appropriate. I will confirm the approach after the SoCG Addendum is submitted.
18. It was agreed that no PoE will be required by TBC for item 1 on Appeal B. TBC do, however, need to provide input into the further work outlined below. A highway representative may be needed for the planning obligation session if there are outstanding matters or if I have questions.
19. The appellant wishes to submit a PoE to explain the design of the appeal scheme and to include visual images and 3D models. The Council verbally clarified that it was not running a design case, and that its concern relates to coalescence. Outline planning permission is sought with all matters reserved save for access. As such, detailed design considerations are not for this Inquiry to consider. Nevertheless, the appellant can submit a PoE relating to the design approach in relation to the site and its surroundings. I will consider whether a short presentation would be of benefit depending on the material, but if I do agree to a presentation at the Inquiry, it would be on a factual basis only to set the scene.
20. The planning obligations and suggested planning conditions will be dealt with by round table discussions.

Further work

21. Statement of Common Grounds (SoCG) have been submitted for both appeals. That said, it was agreed that further targeted work would be beneficial in the lead up to the Inquiry.
22. The parties agreed to work on an SoCG Addendum. This should be agreed and signed by all the main parties. That will cover several matters. Firstly, clarity should be provided on the housing land supply in LDC and TBC outlining any agreement and disagreement on the extent of the supplies. If agreement cannot be reached on the extent of the supply, please agree a range. Secondly, LDC should confirm in writing the extent of its concerns in reason for refusal 2. Thirdly, the parties should confirm and include details of any heritage assets, provide copies of any maps or listings (appraisal to be a Core Document) and outline your agreement and disagreement on the

proposal's effect on the heritage assets particularly explaining why differing views are held by LDC and the appellant on the level of less than substantial harm. TBC should confirm its view of the effect of Appeal B on the heritage assets. Fourthly, a composite agreed draft list of suggested planning conditions for each appeal should be discussed and included. There are separate lists currently for each appeal, so please ensure that there is no duplication or cross over and that they satisfy the six tests. Please provide a copy of the suggested conditions in word so that I can provide any comments before the Inquiry opens on the anatomy of the conditions.

23. It was also agreed that an Affordable Housing SoCG (AHSoCG), covering the positions in LDC and TBC, would be beneficial. Therefore, the AHSoCG should be agreed and signed by each of the main parties and should be worked on jointly. The content of the AHSoCG should include the need, delivery, and supply of affordable housing. This should be based on what is required by the development plans, what the housing register says, the number of affordable homes delivered during the development plan periods to date and the number of affordable homes in each Council's supply. In addition, please cover matters such as affordability ratios, house prices, and any other areas that you consider relevant. Please clearly outline matters that are agreed and those which are in disagreement. The appellant has agreed to take the lead on preparing the AHSoCG. It is important that this work is done in a timely manner so that PoE's are focussed on matters in dispute, and Inquiry time is best utilised.
24. A final draft legal agreement(s) should be submitted in advance of the Inquiry, but your positions should be clear before the submission of PoE's as if the contributions sought cannot be resolved through the submission of an appropriate planning obligation, PoE's will be required from the parties.
25. Both LDC and TBC should have input into any legal agreement and submit a CIL compliance statement. This should include a fully detailed justification for each obligation sought, setting out how it complies with the CIL Regulations, including any policy support and, in relation to any financial contribution, how it has been calculated and on precisely what it would be spent. This includes any other fees such as monitoring fees.
26. I will allow a short time after the Inquiry for the submission of a signed version of any agreement(s) if this is not possible by the time we close. The appellant should advise me if this will be required.

Core Documents

27. A Core Document list will need to be discussed and agreed in advance of preparing your PoE's so they can be properly referenced in them. The list should be comprehensive, and everyone is to work to the same system.
28. The agreed Core Documents list and documents should be sent electronically to the Planning Inspectorate at the same time as the PoE. Please ensure everyone is working to the same system. However, a core documents list containing documents not being used just creates unnecessary work for all.
29. **Please ensure Core Documents:**
 - a. comprise **only** those to which you will be referring to in your evidence,

otherwise, do not include it. **Keep the number to the absolute minimum as in my experience not many are actually referred to.**

- b. group documents on a topic basis.
 - c. use a clear and simple referencing system.
 - d. do not duplicate the document within your PoE.
 - e. contain the front page and policies from the development plan that are of relevance to the appeal.
 - f. references to the Framework and PPG should be made within a particular point and identified by a Reference ID.
 - g. any appeal decisions and/or legal authorities are to be relied upon they are to be prefaced with a note explaining the relevance of the document to your case, the propositions on which you are seeking to rely, with the relevant paragraphs flagged up. Volumes of appeal decisions do not necessarily improve a point. Many are often not directly comparable. If there is no note, I will be asking for one to be provided or for the document to be removed.
 - h. do not include superseded documents or plans unless there is a good reason to.
30. The appellant will produce an A3 colour bundle of the plans. This should be submitted in hard copy and added to the Core Document list as a single item if possible.
31. The appellant will take the lead on creating a website for all the Inquiry so that PoE, SoCG, Core Documents, draft planning obligations, schedule of suggested conditions, and any Inquiry Documents are available in a single place digitally. Details of the website and contact details for the person(s) who will keep this page updated during the Inquiry should be provided.
32. It is expected that all necessary documents will have been submitted in advance of the Inquiry. Any additional documents can only be accepted to the Inquiry (and the Inquiry library) with the Inspector's permission.

Inquiry Running Order / Programme

33. On the first day, I will start the Inquiry with my opening comments. There will then be opening statements from the main parties: Appellant, then followed by the Council and any other interested parties. These should be no longer than 10 minutes each.
34. The Inquiry will then hear from any interested parties who wish to speak although there is scope for some flexibility if someone has difficulties that prevent them from attending and speaking on day one.
35. The programme will be confirmed nearer to the time, but it will follow a topic-based approach: spatial strategy, separation of 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.

36. After hearing the evidence, closing submissions will be heard. The Councils will go first, followed by the appellant. I will need a copy of your openings and closings in Word format, which will need to be sent to the PINS case officer before you present them. Adequate time will be provided for the preparation of closings.

Timetable for submissions

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|---------|---|
| 29 May | <ul style="list-style-type: none"> • LDC to confirm details of venue |
| 31 May | <ul style="list-style-type: none"> • Affordable Housing Statement of Common Ground • Statement of Common Ground Addendum • Draft list of suggested planning conditions in word |
| 7 June | <ul style="list-style-type: none"> • All proofs of evidence (including appendices and any summary proofs) – see attached notes on their content and format • Core documents list and electronic copies |
| 17 June | <ul style="list-style-type: none"> • Council’s notification of Inquiry – letters and press notice • Appellant display of site notice |
| 18 June | <ul style="list-style-type: none"> • Any necessary rebuttals |
| 21 June | <ul style="list-style-type: none"> • Final draft of planning obligation • CIL compliance statement • Time estimates – be realistic and include adequate time for re-examination • Details of website for Inquiry and contact person(s). Core documents and Inquiry documents ready on website |
| 25 June | <ul style="list-style-type: none"> • Plan of site visit itinerary |
| 28 June | <ul style="list-style-type: none"> • Final draft of planning obligation |

Other matters

37. Electronic copies of all Core Documents and other documents to be provided to PINS.
38. I will need a bundle of the relevant plans, in colour and printed on A3. The appellant should prepare the plans bundle and bring them to the Inquiry.
39. I will advise the parties if any paper copies of proofs, appendices and summary proofs need to be provided in hard copy after the submission of Proofs of Evidence. If any hard copies are required, they should be brought to the Inquiry.
40. I am not encouraging the submission of supplementary or rebuttal proofs. I would hope these will not be necessary given the evidence thus far and the further work set out to be carried out before proofs are submitted.
41. I will carry out a site visit during the Inquiry. A time and date for this will be arranged once the draft programme is prepared.
42. Any Costs Applications if not already submitted must be made before the close of the Inquiry. It would help programming if you could give notice of whether you intend to make an application for costs as early as possible.

Andrew McGlone

INSPECTOR

17 May 2024

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