



Planning Inspectorate

**APP/W0340/W/24/3356688 – Land south of Sandhill, Hermitage,
Thatcham**

10:00 – Tuesday 4 March 2025

*Change of use of land for the formation of 5 Gypsy/Traveller pitches comprising
of 1 mobile home, 1 touring caravan, and 1 utility building per pitch*

CASE MANAGEMENT CONFERENCE SUMMARY NOTE

Introduction

1. This note summarises the Case Management Conference (CMC) held on Tuesday 4 March 2025.
2. I led the CMC as the appointed Inspector.
3. The purpose of the CMC was to set out matters relating to the ongoing management of the appeal and the presentation of evidence.
4. There was no discussion on the merits of the case.
5. It is requested that this note, and the pre-conference note, are placed on the Council's website, so they are available for interested parties to see.

Sitting Dates and Location

6. The Inquiry is scheduled to open at 10:00 on Tuesday 20 May 2025. It will resume on subsequent days at 09:30.
7. The inquiry will likely adjourn each day at around 17:00 although we may go on until 17:30 if the room is available.
8. It will be an in-person event held at the Council Offices in Newbury.
9. The event is currently programmed to sit for four days 20-23 May 2025.
10. It was agreed that this is likely to be tight, and therefore reserve days should be programmed.
11. It was not possible to set reserve days at the CMC as the parties needed to check the availability of witnesses.
12. It would be advantageous if the reserve dates were as close to the 23 May as possible and is identified ASAP.
13. I currently have availability as follows: 2-6, 9-13, 16-20 and 23 June. I can provide further dates if required.
14. The sessions on the reserve date(s) could be conducted virtually, especially if the outstanding areas are conditions and closing submissions.
15. Whether the reserved days are required will become more apparent as we progress towards the event.
16. The Council will need to plan to host the reserve days, either in person or virtually.

Likely Main Issues

17. After discussions at the CMC, it was agreed that the main issues in this appeal are currently as follows:
 - 1) *The effect of the proposed development on the character and appearance of the area, including the North Wessex Downs National Landscape;*
 - 2) *The effect of the proposed development on highway safety, with particular reference to visibility at the site access and pedestrian connectivity;*
 - 3) *Whether the proposal would provide an adequate surface water drainage scheme;*
 - 4) *The weight to be attached to intentional unauthorised development (IUD);*
 - 5) *General other considerations – whether the Council can currently demonstrate a five-year supply of sites/pitches, whether there is an unmet need and any other relevant points flowing from the Planning Policy for Traveller Sites.*
 - 6) *Personal circumstances – the availability (or lack) of alternative sites to meet the accommodation needs of the occupants, health, education and welfare, the 'best interests of the child' and the Public Sector Equality Duty.*
 - 7) *Whether a temporary permission would be appropriate in the event a full permission is not.*
 - 8) *Any Human Rights implications in the event planning permission is not granted.*
18. It is essential that the Council, Hermitage Group of Residents (HGoR) and the appellant continue to effectively communicate with one another to seek to narrow the issues for consideration at the Inquiry.
19. It was suggested that the appellant will seek to reach common ground with the Council and HGoR on the highway safety and drainage points. The Council will do the same regarding the need and supply of pitches.

Dealing with the Evidence

20. Save for Main Issues 2 and 3, all the main issues will be addressed through the formal presentation of cases with opportunities for cross and re-examination.
21. Main Issues 2 and 3 will be the subject of a round table discussion.
22. A representative from each of the pitches will appear as witnesses and will be taken through their evidence on personal circumstances.
23. In addition, the appellant intends, at this stage, to call witnesses on landscape and planning. Highway and drainage experts will represent them in the round table session.
24. The Council intends, at this stage, to call witnesses on landscape, need and supply and planning. Highway and drainage experts will represent them in the round table session.
25. HGoR will call one witness to present its case.
26. It would also be open for the parties to address any points raised by interested parties when formally presenting their cases.

Running Order

27. The Inquiry will begin with my opening comments.

28. I will then invite opening statements from the advocates to set the scene (up to 15 minutes). The appellant followed by the Council and then HGoR.
29. I will then hear from interested parties.
30. After this, there will be the round table session on highway safety and drainage.
31. I will then hear the rest of HGoR's case.
32. This will involve the witness being taken through their evidence by their advocate (evidence in chief). After this, there will be a chance for the opposing advocate to ask questions (cross examination) and there may also be questions from interested parties taking an opposing view and myself. The witness will then be asked questions by their own advocate again (re-examination)
33. All witnesses will present their evidence following this format.
34. The Council's advocate will cross examine the appellant's witnesses before HGoR. The parties will only be able to cross examine on the matters they take issue with.
35. Once HGoR has presented its case, I will then hear evidence from the Council and appellant's witnesses on character and appearance.
36. I will then hear the Council's case on need and planning.
37. Then I will hear from the appellants on personal circumstances and then from their planning witness.
38. Once the cases have been presented, I will lead another round table session on conditions.
39. There will then be an opportunity for closing submissions. The Council first, then HGoR and then the appellant.
40. The closings should ideally be no longer than an hour, should simply set out the respective cases as they stand at the end of the Inquiry and should be fully cross referenced.
41. It would be very helpful if closings can be provided in writing.
42. I will endeavour to circulate a draft timetable setting out the running order before the Inquiry opens. I will do this once I have final time estimates from the advocates.
43. The advocates are expected to take no longer than the timings indicated. This will require the cooperation of both advocate and witness.

Conditions and Costs

44. An agreed schedule of suggested planning conditions, and the reasons for them, must be submitted at the same time as the proofs if not before.
45. Several versions may be required to account for different scenarios, including full permission, personal permission, a temporary permission or a combination of these.
46. Ideally, they will be included in the Statement of Common Ground (SOCG) and presented in Microsoft Word.
47. The Council should take the lead on preparing the list, in discussion with the appellant and HGoR.
48. The parties will need to pay careful attention to the wording, and the conditions will need to be properly justified having regard to the tests for conditions in the National Planning Policy Framework.

49. Any difference of opinion relating to the suggested conditions, including alternative wording, should be highlighted in the schedule with a brief explanation given.
50. No party indicated an intention to make an application for an award of costs.
51. The Planning Practice Guide is clear that it is good practice to submit applications in writing before the Inquiry opens.
52. It would be helpful if any cost applications are made in sufficient time to enable the other party to respond in writing before the Inquiry opens.
53. There will be an opportunity to supplement or make cost applications during the event.
54. In addition, I have the power to initiate an award of costs.

Content of the Statement of Common Ground (SOCG)

55. It was agreed that the SOCG will be supplemented to include/address 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;
 - A list of the main matters agreed and not agree on a topic specific basis.

Proofs, Core Documents and Inquiry Documents

56. The case for the appellant, Council and HGoR should already have been set out in full in their statement of case, which should also have included all documents and evidence they will be referring to.
57. Consequently, the main purpose of proofs of evidence is to allow the witnesses a chance to marshal previously provided evidence and give their opinions on the evidence of the other parties.
58. As a result, new evidence should not be provided with the proofs.
59. The proofs must be submitted by the 22 April 2025.
60. I will need hard copies of all the proofs (including appendices). Please send them to the Case Officer who will then forward them on to me.
61. The parties will need to discuss and agree a list of core documents in advance of finalising the proofs. This is so they can be properly referenced in the proofs.
62. That list is to be co-ordinated by the appellant and submitted with the proofs.
63. Please find attached at Annex 1 a template for the list.
64. The Core Documents should comprise only those documents/extracts to which you will be referring to in the proofs.
65. Only relevant development plan policies should be included.
66. Any Appeal Decisions and/or legal authorities that are included will each need to be prefaced with a note explaining the relevance of the document to the issues arising in the Inquiry, together with the propositions on which you are seeking to rely, with the relevant paragraphs flagged up.
67. The Council will host the core documents on a page of its website where all parties and myself will access them.
68. On this basis, there will be no need for hard copies to be printed save for statements relating to personal circumstances. These documents will be listed as a core document, but there will not be electronic copies.

- 69. Any documents submitted once the Inquiry has opened will be recorded as an 'Inquiry Document' on a separate list overseen by me.
- 70. The appellant and Council will need to keep the online document list up to date with any inquiry documents.
- 71. A minimum of three copies of any new documents produced at the Inquiry will be required, one each for the two other main parties and one for me. Extra copies may also be necessary for interested parties.

Late Evidence and Rebuttals

- 72. Unless I have specifically requested it, then evidence submitted outside of the inquiry timetable is 'late evidence'.
- 73. In the circumstances, there is a risk that I may not accept late evidence if it would require a significant postponement of the inquiry.
- 74. The appellants confirmed that they will not be submitting any new evidence relating to personal circumstances save for an update to that already provided if necessary.
- 75. At this stage, and other than the above, there was no indication that late evidence will be submitted.
- 76. It was agreed that the witnesses would be able to address emerging Local Plan policies in their proofs, and therefore rebuttals are unlikely to be needed to address the adoption of the Local Plan.
- 77. Rebuttals are discouraged although they may be useful in some narrow circumstances as outlined at Paragraph 11.13.2 of the Procedural Guide: Planning Appeals.

Timetable for submission of documents

- 78. The timetable for additional documents is as follows;

By the 22 April 2025	Signed Statement of Common Ground Suggested conditions (Council to lead) Proofs of Evidence Schedule of appearances – name, qualifications (if relevant), how they would like to be addressed at the Inquiry (Ms, Miss, Mrs, Dr, Mr etc...) and job title/organisation. Core Documents List (appellant to lead), with access provided to these electronically.
By the 2 May 2025	Copy of the Inquiry notification letter and list of those notified (to be supplied by the Council) Any rebuttals Preliminary suggested route for my site visit (from appellant and Council)
By the 9 May 2025	Final time estimates (from advocates) and confirmation as to who instructed them

Housekeeping

79. The Council confirmed the following arrangements
- A. The venue will be the Council Chamber at the Council Offices in Newbury.
 - B. There will be facilities available for interested parties to observe virtually, but not take part.
 - C. The Council will confirm if documents and material can be left over night and if any evening meetings are planned.
 - D. There will be an audio system and hearing loops.
 - E. There will be photocopying facilities.
 - F. There will be WIFI.
 - G. A parking space will be reserved for me for each day. I will be using a hire car so will not be able to give a number plate in advance.
 - H. A member of staff will be on hand to meet me at around 9am on the first day of the Inquiry to address any questions I have about arrangements/room layout¹.
 - I. There will be a breakout room for me, the appellants and HGoR.

Other Matters

80. I understand that an Enforcement Notice has been issued and is likely to be appealed. It will not be possible to combine the two appeals as I am not an enforcement Inspector.
81. The advocates were confirmed as Mr Stephen Cottle for the appellants, Ms Noemi Byrd for the Council and Mr Powers for HGoR.
82. There will be no general attendance list circulated at the Inquiry. However, I will ask those appearing/speaking to fill in an attendance form if I do not already have their details.
83. At this stage, I am minded to visit the site on an 'Access Required' basis. This is where I visit the site alone and the appellant arranges access. I will keep this under review and the logistics will be discussed at the Inquiry. I would be grateful if the parties could provide a route/itinerary of what they would like me to view.
84. I will likely visit the site after I have heard the evidence but will keep this under review in case a break presents itself in the programme.
85. I will undertake a pre inquiry visit, but do not anticipate the need to enter the site at that point.
86. The Council confirmed that it is not seeking a planning obligation.
87. Please do not hesitate to contact me, through the Case Officer, if you require any further clarification regarding the matters covered in this note.

Graham Chamberlain, INSPECTOR
2025

4 March

ANNEX A – EXAMPLE TEMPLATE FOR CORE DOCUMENTS LIST
(adapt headings to suit)

CD1 Application Documents and Plans

1.1

1.2 etc

CD2 Additional/Amended Reports and/or Plans submitted after validation

2.1

2.2

CD3 Committee Report and Decision Notice

3.1 Officer's Report and minute of committee meeting

3.2 Decision Notice

CD4 The Development Plan

4.1

4.2

CD5 Emerging Development Plan

5.1

5.2

CD6 Relevant Appeal Decisions*

6.1

6.2

CD7 Relevant Judgements*

7.1

7.2

CD8 Other

8.1

8.2

Any Appeal Decisions on which a party intends to rely must each be prefaced with a note explaining the relevance of the Decision to the issues arising in the current Inquiry case, together with the propositions relied on, with the relevant paragraphs flagged up. A similar approach is to be taken in relation to any legal citations relied upon.