



APPEAL REF: APP/C3105/W/23/3331122

Land South of Green Lane, Chesterton, Oxfordshire (Easting 455827, Northing 220960)

CASE MANAGEMENT CONFERENCE SUMMARY

1. The case management conference (CMC) was led by the Inquiry Inspector, Mark Sturgess, on 14 December 2023. The Inquiry is due to open at 10:00 on Tuesday 6 February 2023. The venue is the Council Offices, Bodicote House, Banbury.
2. The Inquiry is scheduled to sit for up to 8 days in 2 sessions, the first opening on 6 February 2024 and the second on 27 February 2024.
3. The advocates were confirmed as Charlie Banner KC for the appellant and John Hunter for the Council.
4. The Council agreed to provide an officer during the Inquiry to assist with administration and to act as a point of contact at the event for interested parties.
5. The Council is encouraged to draw attention of interested parties to this note, including posting a copy on its website.

Main Issues

6. It was agreed that the main issues in the case are likely to relate to:
 - a. whether the location of the development is appropriate having regard to the facilities present in the village and other facilities accessible by sustainable means and the policies of the development plan;
 - b. the effect of the proposed development on the character and appearance of the village and the surrounding landscape, including whether the additional housing would constitute a disproportionate extension to the village and whether any alleged adverse effects are capable of being mitigated ;
 - c. whether the cumulative effects of the appeal proposal and other developments in and around the village would lead to the loss of its identity by closing the gap between Chesterton and Little Chesterton;
 - d. whether any other adverse effects of the appeal proposal are capable of being dealt with through a legal agreement secured by way of a planning obligation/s in accordance with s106 of the Town and

Country Planning Act 1990.

7. At the CMC main issue b. was amended with the agreement of the parties to include "*and facilities accessible by sustainable means*".
8. In terms of these main issues these might need to be amended as the Council has agreed to provide an addendum to explain more fully its objection to the proposal on landscape grounds. The proposed addendum will be supplied by 22 December 2023.
9. It was also agreed by the Council that main issue c. relating to the possible coalescence of Chesterton and Little Chesterton is still in dispute between the parties.
10. It was further agreed that main issue d. will be addressed through a planning obligation agreed by the parties.

Dealing with the Evidence

11. It was agreed that the main issues relating to the location of the development, the effect of the proposal on character and appearance of the area and whether the proposal could lead to loss of the identity of the village would be dealt with through the formal presentation of evidence and cross examination.
12. It also appears that there is disagreement between the parties on whether the Council can demonstrate a 5-year supply of deliverable housing sites. It was agreed that where this disagreement was around the methodology for calculating the 5-year supply of deliverable housing sites this should be dealt with through the presentation of formal evidence followed by cross examination. However, where this dispute relates to whether specific sites should be considered 'deliverable' this should be dealt with through a round table discussion (RTS). This will be kept under review.
13. The parties confirmed that it is their intention to complete a planning obligation to deal with the matters in main issue d.
14. There have been representations made by interested parties that relate to highways, flood risk, air pollution, traffic noise, lack of footpath/cycle path provision, effect on living conditions of existing residents, school capacity, lack of adequate drainage (foul and surface), lack of public transport, effect on wildlife, availability of local medical facilities and lack of water pressure. It was agreed that the appellant would prepare topic papers to deal with these matters and/or highlight where they are dealt with in the evidence already submitted.

Statement of Common Ground (SoCG)

15. I have received an unsigned SoCG prepared by the appellant. It was agreed that a SoCG, signed by the Council and the appellant, to cover general

matters would be submitted by 22 December 2023.

16. In view of the disagreement between the parties regarding the presence in the District of a 5-year supply of deliverable housing sites it was agreed that a separate SoCG would be prepared to cover this matter. This SoCG should also highlight the main areas of disagreement between the parties on this matter. It was further agreed that this would be submitted at the same time as the general SoCG referred to above.

Conditions

17. An agreed schedule of suggested conditions and the reasons for them, including references to any policy support, is to be submitted at the same time as the SoCG referred to above. In agreeing the conditions both 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 particular the test of necessity. I would be grateful if any unresolved differences between the parties could be highlighted.
18. The parties are reminded in this regard that as set out in the Framework, planning conditions should be kept to a minimum and that conditions which are required to be discharged before development commences should be avoided unless there is clear justification. The reasons for any pre-commencement conditions will need to include that justification. Any different view on any of the suggested conditions, including suggested wording, should be highlighted in the schedule and a brief explanation given.

Planning Obligation

19. The parties confirmed that it is their intention to agree a planning obligation to cover the subject areas raised by the Council in their decision on the planning application.
20. A final draft should be submitted shortly before the Inquiry opens. The final draft must be accompanied by the relevant office copy entries and the CIL Compliance statement prepared by the Council. The statement must contain a fully detailed justification for each obligation sought, setting out how it complies with the CIL Regulations, in particular the test of necessity in order to mitigate the harm arising out of the development proposed. It should include reference to any policy support for the agreement.

Core Documents (CD)

21. You will need to discuss and agree a list of CDs in advance of preparing your proofs so they can be properly referenced in the proofs. That list is to be coordinated by the appellant and must be submitted with the proofs, together with a hard copy set of the documents. A template for that list is attached.
22. The CDs should comprise only those documents to which you will be referring. A copy of the Framework does not need to be included as a specific core document. Any appeal decisions and or/legal authorities on which any of you intend to rely will each need to be prefaced with a note explaining the relevance of the document to the issues arising in the Inquiry case, together with the propositions on which you are seeking to rely with

the relevant paragraphs flagged up.

23. Where any document on which it is intended to rely are lengthy, only relevant extracts need to be supplied. Such extracts should be prefaced with the front cover of the relevant document and include any accompanying contextual text.
24. It was agreed that the appellant would co-ordinate the preparation of the Core Document list and that the Core Documents themselves would be made available electronically on the Council's website. It was also agreed that a hard copy of all the core documents would be available in the Inquiry room and in advance of the Inquiry for the Inspector.
25. Any documents submitted once the Inquiry has opened will be recorded as Inquiry Documents on a separate list overseen by the Inspector.
26. A minimum of two copies of any new documents produced at the Inquiry will be required – one for the other main party and one for the Inspector – with other copies to be made available to assist interested parties if necessary.

Inquiry Venue

27. The Inquiry venue will be the Council Chamber, Cherwell District Council, Bodicote House, Bodicote, Banbury, OX15 4AA. The Council will confirm that the room can be accessed by people with limited mobility, has access to Wi-Fi, and a hearing loop. The Council will also provide someone who can act as a point of contact for participants at the Inquiry.
28. The Council also confirmed that the room is likely to be large enough to accommodate all those expected to attend.
29. The Council agreed to confirm whether the Inquiry will be live streamed. It confirmed that interested parties could take part virtually.
30. In terms of accommodation for the Inspector a parking space and a retiring room would be made available.
31. The Council will also confirm that papers and equipment could be left in the room overnight. The Council also highlighted that the room might not be available for the whole day on Wednesday 7 February 2024 and that it might need to be vacated by 16:00 on that day. The Council will confirm the precise timings nearer to the start of the Inquiry.

Running Order/Programme

32. The Inspector will aim to open the Inquiry at 10:00 on 6 February 2024. It was agreed at the CMC that the matters before the Inquiry were capable of being dealt with within the period set for the Inquiry.
33. The Inquiry will proceed on a topic basis, with all the evidence from the parties on a particular topic being heard before moving on to the next topic.
34. The Inspector understands that there are no issues at the moment with the availability of witnesses during the programmed sitting time for the Inquiry.

However, given decisions that are expected from other Inquiries, the evidence around the availability or otherwise of a 5-year supply of deliverable housing sites should be dealt with towards the end of the evidence at the Inquiry.

35. In terms of the running order, following the Inspector's opening comments, he will invite opening statements from you, the Appellant first followed by the Council. He will then hear from any interested parties and will invite the appellant to ask questions should that be necessary.
36. Following this I shall hear evidence related to the effect of the proposal on the character and appearance of the area and whether the proposal in combination with other approvals in the area would lead to the merging of Chesterton and Little Chesterton. This will be dealt with through the formal presentation of evidence and cross examination.
37. I shall then hear evidence on the 5-year supply of deliverable housing sites.
38. I would then hear evidence related to planning matters, in particular whether the site is appropriate for the proposed development, having regard to the facilities present in the village and other facilities accessible by sustainable means and to the policies of the development plan.
39. On conclusion of all that I will lead the usual round table session on conditions and the planning obligation.
40. In terms of closing submissions, I would expect these to set out the party's respective cases at the end of the Inquiry, should be no longer than 30 minutes and be provided in writing.
41. Bearing in mind the nature of the main issues and the time of year a site visit will take place on the second morning of the Inquiry (7 February). I would be grateful if the parties could collaborate and provide me with a walking route which would enable me to see the site from all relevant viewpoints. As the site visit will be taking place during the Inquiry it should be accompanied by representatives of the parties. However, it should be noted that the site visit is simply for me to see the site and its surroundings. I will not take any representations/discussion/argument during the visit. However physical features can be pointed out.
42. The advocates are asked to work collaboratively on their time estimates for each of their respective cases. A draft programme will be issued following receipt of your final timings. I will then have a better feel for the overall duration of the Inquiry. Other than in exceptional circumstances you are expected to take no longer than the timings indicated, which will require the co-operation of both advocates and witnesses.

Timetable for the submission of documents

43. As set out in the start letter, all proofs are to be submitted no later than **9 January 2024**. Details of the preferred format and content of proofs and

other material were annexed to the pre-conference note.

44.I do not have a draft Planning Obligation and will require an initial draft of the obligation by no later than the **9 January 2024**.

45.There is no reference in the Rules or Procedural Guide to supplementary or rebuttal proofs and they should not be necessary in this case. However, if any party considers that they would be helpful to the Inquiry in terms of saving Inquiry time then I would require them to be submitted no later than **23 January 2024**.

Date	Action
22 December 2023	Deadline for the submission of the SoCGs, including suggested conditions. Addendum related to landscape evidence from the Council
9 January 2024	Deadline for the submission of: <ul style="list-style-type: none">• All proofs• Core Document list• Initial draft of the planning obligation
23 January 2024	Deadline for the Council to submit a copy of the Inquiry notification letter and list of those notified.
23 January 2024	Deadline for the submission of: <ul style="list-style-type: none">• Final draft planning obligation and relevant office copy entries• CIL compliance statement (Council)• Any necessary rebuttal proofs.• Final timings
6 February 2024	Inquiry opens

It was suggested that a further CMC might be useful in order to determine how some of the matters, such as the 5-year supply of deliverable housing sites might be dealt with. Whilst I do not consider that this is strictly necessary it might be useful should matters change prior to the opening of the inquiry. I shall keep this matter under review when I receive the anticipated documents set out above.

Costs

46.Neither party has indicated that they intend to apply for an award of costs at the current time. If any application is to be made, the planning practice guidance makes it clear that , as a matter of good practice, they should be made in writing before the Inquiry opens.

47.I also need to remind you that in order to support an effectively and timely

planning system in which all parties are required to behave reasonably, that I have the power to initiate an award of costs in line with the Planning Guidance. Unreasonable behaviour might include not complying with the agreed timetables.

Survey

48. Following the conference, you were sent a link to a short survey asking for views on the conference as part of the early engagement process. It would be really helpful and very much appreciated if you could complete it. Your feedback is very important to us to help us improve the process and make it as productive as it can be.

P. Mark Sturgess

14 December 2023