



The Planning Inspectorate

Ref: APP/B1930/W/21/3279463
Burston Garden Centre, North Orbital Road, Chiswell Green,
St Albans AL2 2DS

Proposal: Demolition of all existing buildings, structures and hardstanding and redevelopment of the site to provide a new retirement community comprising assisted living bungalows and apartments, with community facilities together with associated access, bridleway extension, landscaping, amenity space, car parking and other associated and ancillary works.

Case Management Conference via Microsoft Teams to be held at 14:00 on Thursday 14 October 2021

Inspector's Pre-Conference Note

1. The case management conference (CMC) will be led by the Inquiry Inspector, Tom Gilbert-Wooldridge, a chartered town planner. The CMC agenda and instructions for joining the CMC are provided separately.
2. There will be no discussion at the CMC as to the merits of the parties' respective cases and the Inspector will not hear any evidence. The purpose of the CMC is to give clear indication on the ongoing management of this case and the presentation of evidence, so that the forthcoming Inquiry is conducted in an efficient and effective manner.
3. The Inquiry is scheduled to open at 10:00 on Tuesday 7 December 2021 with up to 6 sitting days currently planned. It is anticipated that the event would operate face-to-face (via an appropriate venue provided by the Council) with the ability for participants to join virtually if needed. The inquiry arrangements and format will be discussed at the CMC to determine the likely best approach.
4. The Inspector would be grateful if the parties could clarify the description of the proposed development. The wording above is taken from the application form, but the decision notice and appeal form descriptions are worded differently. The appellant's name should also be clarified.

Main Issues

5. An agreed statement of common ground (SOCG) between the main parties has yet to be submitted. This should be provided as soon as possible and preferably in advance of the CMC to help inform discussions. Wherever possible, topic-specific SOCG should be agreed and submitted by the time proofs are exchanged. The SOCG should clarify the matters in dispute as well as those where there is agreement.
6. Based on the material currently before him, the Inspector considers that the main issues in this case are likely to focus on:
 - 1) the effect of the proposed development on the openness and purposes of the Green Belt;

- 2) the effect of the proposed development on the character and appearance of the area;
 - 3) the effect of the proposed development on the significance of the Grade II* listed Burston Manor and the Grade II listed outbuildings;
 - 4) whether the proposed development would make adequate provision for community and infrastructure needs; and
 - 5) whether harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposed development.
7. There are matters raised by interested parties that will also need addressing. These include effects on ecology, highway safety, and air quality. As to whether these matters are dealt with as specific main issues in the eventual decision will depend on the evidence heard in due course.
8. It is essential that the parties communicate effectively with one another to narrow the matters for consideration at the Inquiry. This should be an ongoing conversation. The parties should give consideration in advance of the CMC as to whether all the matters identified above cover those most pertinent to the outcome of the appeal.

Dealing with the Evidence

9. 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.
10. On the basis of the material currently before him, the Inspector considers that the first and fifth main issues identified above would be best dealt with through the formal presentation of evidence in chief by the relevant witness for each of the main parties, which would be subject to cross-examination. The second, third and fourth main issues would be addressed via round table discussions which the Inspector would lead.
11. The parties are requested to give the above careful consideration in advance of the related discussion at the CMC. Any request for evidence to be heard other than as currently envisaged will need to be fully justified.
12. The CMC will also consider interested party involvement and the number of people who are likely to wish to speak at the Inquiry. It is important that interested persons can observe and participate if they wish to do so. It is also important that all documentation relating to the Inquiry is made available online.
13. All the above points are included on the CMC agenda. The attached Annex sets out the preferred format and content of proofs which should be observed.

Tom Gilbert-Wooldridge
INSPECTOR

6 October 2021

Annex

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;

Proofs **should not**:

- duplicate information already included in other Inquiry material, such as site description, planning history and the relevant planning policy;
- recite 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.
- Front covers to proofs and appendices are to be clearly titled, with the name of the witness on the cover.
- Pages and paragraphs should be numbered.