



Case Management Conference Note

10:00 am on Tuesday 15 April 2025

Appeal Ref: APP/R4408/W/25/3359917

Land north of Hemingfield Road, Hemingfield, Barnsley, S73 0PW

Outline planning application for demolition of existing structures and erection of residential dwellings with associated infrastructure and open space. All matters reserved apart from access into the site.

INSPECTOR'S CASE MANAGEMENT CONFERENCE NOTE

1. This note summarises the main points arising from the Case Management Conference (CMC) on Tuesday 15 April 2025. The CMC was led by Beth Davies, the appointed Planning Inspector for the case.
2. The Inquiry will open on the 10 June 2024. It is currently scheduled to take 4 days: 10, 11, 12, 13 June.

Advocates and witnesses

3. The Council was represented by Mr Philip Robson KC. The appellant was represented by Mr Richard Sagar.
4. At the present time, both parties propose to call two witnesses to address Housing Land Supply (HLS) and planning issues. This is predicated on there being no substantial new arguments emerging in relation to the potential harm to comprehensive development on the wider site.
5. There were no known constraints on the availability of advocates or witnesses.

Clarifications

6. Changes to the original application form and to the appeal form were discussed and explained. It was agreed that the parties would confirm that the name of the appellant, the address and description are all lawful and correct by **Friday 25 April**.
7. The same note will also clarify the list of plans and drawings that are determinative, and which are for illustrative purposes.

Main issues

8. The likely main issues set out in the pre-conference note were discussed.
9. It was agreed that the legal status of the local plan was not in dispute. It was agreed that there is no five-year HLS. The issue is one of the weight to be given to the relevant policies in the context of the 'tilted balance' and potentially the selection of methodology for HLS. It was also settled that, although the Local Plan Review process may be a material consideration, it does not comprise a separate main

issue. Having heard the arguments, I see no reason to come to a different conclusion.

10. The appellant suggested that the issue of development on houses of Safeguarded Land would, at this stage, be better expressed as 'whether the development would be contrary to local and national policies in relation to safeguarded land, and if so, the weight to be given to such a conflict'. The Council had no objection to this, and I will take this into account when formulating my decision.
11. The remaining main issues in relation to the five-year HLS position and whether the development would prejudice 'comprehensive' delivery on the wider site were accepted by both parties.
12. However, the appellant raised the on-going lack of detail regarding the harm that could arise from potentially piecemeal development as a concern because of the need to have reasonable time to prepare and respond to these arguments. The Council accepted this point and agreed to develop its arguments through development of the Statement of Common Ground (SoCG). Mr Sagar reserved his position on this.

Evolution of local policies

13. The Council confirmed that it was not aware of any significant changes to local policies likely to come into force prior to my decision.

Inquiry running order and programme

14. Neither party was able to indicate the likely level of public attendance, although it was noted that no-one had registered under Rule 6. It was agreed that it would be sensible to hear from any Interested Parties after the openings and the appellant offered to have witnesses for specific topics on standby. A final decision on who will be required to attend will be made approximately a week before the Inquiry based on Interested Parties attendance and evolution of the cases. I will send my thoughts on who I may also need to hear from before this.
15. The best way to hear the evidence was discussed. It was agreed that matters in relation to HLS would be best dealt with through a Round Table Session (RTS).
16. It is anticipated that matters of HLS are likely to take less than half a day and that these would be best heard on the opening day, to allow for flexibility to hear from Interested Parties, in addition to opening statements.
17. Cross examination is likely to be required for the remaining planning issues. Both parties agreed that approximately 2 days should be sufficient. It was agreed that evidence would be heard by party rather than by topic. It is likely that the Council's evidence will be heard from on the Wednesday, followed by the Appellant's evidence on Thursday.
18. The remaining day (**Friday 13 June**) would then be used to discuss conditions and the planning obligation via an RTS, and potentially hold an accompanied site visit, if needed.
19. It was agreed that closing statements would be delivered orally and virtually the following week at **10am on Tuesday 17 June**. This allows flexibility in the Inquiry timetable and gives advocates adequate time to prepare their statements. These should be no longer than 30 minutes and a copy submitted to the Inquiry in writing.

20. The parties agreed to draft agendas for the RTSs by the **27 May** to allow me to finalise and issue these before the Inquiry.
21. The appellant requested additional time following submission of proofs to prepare an itinerary for an unaccompanied site visit. The Council had no objection to this, and a date of **23 May** was agreed.
22. The parties agreed to develop and submit a draft timetable for the running order of the Inquiry. This will need to be received by **23 May** at the latest so that the Inspector can issue her draft on the 27 May and a final version the week before the Inquiry.

Statements of Common Ground

23. The parties intend to continue to work on the main SoCG. It was also agreed that a consideration would be given to a separate on HLS and potentially on highways matters.
24. I stressed the importance of these to progressing as efficiently as possible and we agreed two dates prior to the Inquiry for progress updates on the SoCG. These are the **20 May** and the **3 June**.
25. I would like to take the opportunity to remind the parties that while identifying areas of agreement, the statements will need to focus on the areas where there remains disagreement.

Conditions and planning obligations

26. The parties reported that they continue to work on the conditions. I requested that a final version of the conditions be provided in a word document by the **30 May**. Any difference in view on any of the suggested conditions should be highlighted with a brief explanation given.
27. The parties reported that progress could now be made on the obligation because Heads of Terms were provided by the Council yesterday. The appellant stated that this raised several potential issues that would need to be discussed between the parties. It was agreed that a draft of the obligation would be submitted at least 10 days before the Inquiry (**30 May**).
28. I reminded that parties that the final draft must be accompanied by a CIL compliance statement prepared by the Council. A short time will be allowed after the Inquiry for submission of a signed version.
29. The appellant requested that the CIL statement was shared with them before the 30 May to aid understanding and discussion between the parties. This was agreed in principle by the Council.

Core documents

30. The parties have agreed that the appellant will collate all the documents and the Council will host on its website. I thanked the parties for already having begun this process.
31. I reminded the parties that the library should only comprise those documents to which the parties are referring. In addition, any appeal decisions and/or legal authorities relied upon will need to be prefaced with a note explaining the relevance of the document with the relevant paragraphs flagged up.

Inquiry venue

32. The Council reported that the Digital Media Centre in Barnsley Town Centre had been booked for the duration of the Inquiry. It was confirmed that the venue was of appropriate capacity, had parking, retiring rooms, and was central to the town and railway station.
33. The Council will confirm if the venue has microphones, a hearing loop, wi-fi, retiring room, facilities for a hybrid approach and whether it will be secure for the purposes of leaving documents overnight. This information will need to be submitted by **29 April**.
34. I also requested that thought was given prior to the event to setting up the room for the purposes of both the Cross Examination of Evidence and RTSs.

Site visits

35. I will undertake an unaccompanied visit to the area using public land. The appellant and Council will inform me of any locations that they particularly want me to view or visit by **23 May**.
36. It is possible that an accompanied site visit will also be required towards the end of the Inquiry and time must be allocated when drawing up the timetable. The need for this will be reviewed during the course of the event.

Timetable for submission of documents

37. All proofs are to be submitted by **13 May**. Details of the preferred format and content of proofs and other material were annexed to the pre-conference note. It was agreed that written statements on 'other matters' raised by Interested Parties could be usefully appended to the proofs. A decision on this would be made by the appellant once the Interested Parties' submissions had been reviewed and the SoCGs evolved.
38. As set out in the start letter, the Council must provide a copy of the inquiry notification letter by **27 May**.
39. There is no reference in the Rules or Procedural Guide to supplementary or rebuttal proofs and PINS does not encourage them. The appellant stated that submission of these, if required, would ideally be more than a week after the Proofs. Having considered the matter, I confirm that I will accept rebuttal proofs up to the **23 May**. Please note that it is important that rebuttal proofs do not introduce new issues. As an alternative, it may be that a matter could be more succinctly though the evolving SoCG.
40. The parties are also required to work together to provide a draft timetable for openings and closings, RTSs, evidence in chief and cross examination by **23 May**.

Costs

41. No applications for costs have been made. However, Mr Sagar stated that he has not yet taken instructions on this matter.

Timetable

Friday 25 April	<ul style="list-style-type: none">• Confirmation that details on the appeal are correct• Clarification of determinative plans and drawings
Tuesday 29 April	<ul style="list-style-type: none">• Council to respond to remaining questions about venue facilities
Tuesday 13 May	<ul style="list-style-type: none">• Proofs of Evidence
Tuesday 20 May	<ul style="list-style-type: none">• Council sends PINS a copy of the inquiry notification letter• Update on the SoCGs
Friday 23 May	<ul style="list-style-type: none">• Draft timings for the Inquiry timetable• Both parties to identify locations for an unaccompanied site visit (if any)• Rebuttal Proofs (if required)
Tuesday 27 May	<ul style="list-style-type: none">• Draft agendas for the RTS(s)• Inspector issues draft Inquiry timetable• Notification of IPs and site notice by now
Friday 30 May	<ul style="list-style-type: none">• Final draft conditions. planning obligation and CIL compliance statement• Inspector to confirm topics on which she has additional questions (if any)
Tuesday 3 June	<ul style="list-style-type: none">• Appellant to confirm witnesses for additional topics• Update on the SoCGs• Inspector to provide final Inquiry timetable and final agendas for the RTSs
Tuesday 10 June	<ul style="list-style-type: none">• Inquiry opens
Tuesday 17 June (10 am)	<ul style="list-style-type: none">• Virtual closing statements (Council to host)

Beth Davies

PLANNING INSPECTOR

15 April 2025