

CASE MANAGEMENT CONFERENCE SUMMARY

Case management conference held on Thursday 6 February 2025

Inquiry scheduled for 10:00am on Tuesday 8 April 2025

APPEAL REF: APP/D1265/W/24/3353912

Land west of Church Hill and land off Butts Close and Schoolhouse Lane, Marnhull

Appeal by Mr Paul Crocker

Hybrid planning application consisting of:

A full planning application for a mixed-use development comprising a food store, office space, café, and mixed-use space for E class uses and 2 x 2-bed flats plus a new parking area with 30 parking spaces for St Gregory's Church and St Gregory's Primary School, landscaping and associated engineering operations, access arrangements, on land west of Church Hill, Marnhull.

Outline planning application with all matters reserved except for access for up to 120 dwellings on land off Butts Close and Schoolhouse Lane, Marnhull.

Present

Jonathan Bore	Inspector
Paul Cairnes KC	for the Appellant
George Mackenzie, of Counsel	for Dorset Council
Simon Bell, of Counsel	for Marnhull Parish Council

Purpose of the conference

1. The purpose of the conference was to establish how the inquiry and related evidence will be managed.

Date and venue of the inquiry

2. The Inquiry is scheduled to open at 10.00am on Tuesday 8 April 2025 at Dorset Council's offices, County Hall, Colliton Park, Dorchester, Dorset, DT1 1XJ.
3. The Council confirmed that the venue will be of adequate size, with an effective sound system, good quality wifi and adequate sockets. There will be refreshment facilities and a retiring room for the Inspector. The Council will seek to arrange a retiring room for the Appellant's team.
4. The inquiry may be streamed to other locations to enable interested parties who cannot reach Dorchester to watch the proceedings.

Main Issues

5. The main issues are:

Issue 1: The effect of the development on the character and appearance of Marnhull and on the setting (and significance) of its heritage assets.

6. This will include the effect of the development on the existing character of the village as well as its heritage assets. Village character has been raised in a number of representations. Issue 1 will be carried out in a round table session.

Issue 2: The effect of the scheme on highway safety (including pedestrian safety) and congestion in Marnhull.

7. The Council has said in its statement of case that (subject to securing off-site contributions) it will not defend its highways reason for refusal. However, highway issues remain of concern to the Parish Council, which is a Rule 6 party, and are referred to in many of the representations from local people, and they therefore remain a main issue. Again, this issue will be dealt with in a round table session.

Issue 3: Whether Marnhull is an appropriate location for housing, retail and commercial development of this scale

8. This is a broad planning issue which will be dealt with through a formal inquiry session. Evidence will focus on how the development relates to the strategic distribution of development and the policy framework. It will include the housing land supply position going forward and the contribution the scheme would make to the supply of housing, including affordable housing.

9. The parties will refrain from going any further on the specific matters of retail impact assessment and the sequential approach. Any material already produced on these topics, such as the notes from Lichfields and Lambert Smith Hampton, will be included as appendices to the proofs of evidence.

Other matters

10. It will not be necessary to devote significant inquiry time to the topics raised in Reason for Refusal 5 on the basis that they are capable of resolution through a s106 agreement and planning conditions. Draft versions of the s106 and conditions should be included within the core documents held on the website so that they are visible to the Parish Council and any other interested party.

Inquiry format and scheduling

11. Sessions will start at 10 am and will finish at or before 5 pm, with appropriate morning and afternoon breaks.

12. The inquiry will proceed on a thematic format with the following timetable:

Day 1: Tuesday 8 April

- Appearances
- Opening statements: Appellant, LPA, Parish Council
- Interested persons wishing to speak
- Issue 1: Character and appearance and heritage: a round table session with representatives from the Appellant, Council and Parish Council. The Appellant's and Council's representatives must have technical expertise in this subject.

Day 2: Wednesday 9 April

- Issue 2: Highway safety and congestion: a round table session with representatives from the Appellant, Council and Parish Council. The Appellant's and Council's representatives should have technical expertise in this subject. The Parish Council will be represented by a highways expert witness.
- Possible conditions / s106 session
- Possible Inspector's site visit

Day 3: Thursday 10 April

- Issue 3: Planning matters (formal inquiry session). This will include whether this is an appropriate location for development of this scale; the housing supply position and the contribution the scheme would make to the supply of housing; and overall planning policy and planning balance (formal inquiry session)

Day 4: Friday 11 April

- Issue 3 continued: Planning matters, continued from Day 3
- Conditions and s106 if not Day 2 or 5
- Inspector's site visit if not on Day 2

Day 5: Wednesday 16 April

- Possible conditions and s106 session if not Days 2 or 4
- Closing submissions: Council, Parish Council, Appellant

Evidence

Core documents

13. The Council will create a webpage for the inquiry in an accessible location and host the core documents on its website, so that everyone can access them before, during and after the inquiry.

14. All core documents will be given a number and will be included on the core documents list, which will have a live index so that all submitted documents before and during the inquiry are appropriately numbered and

made accessible. The person responsible for the upkeep of the core documents list should be made known.

Proofs

15. Proofs and related appendices will be produced in the usual way. The deadline for proofs will be Tuesday 11 March. Summary proofs are not necessary.
16. Reports on housing land supply matters produced by other consultants can be appended to proofs, but the witnesses must be prepared to deal with questions on them in the formal planning session.
17. Reports on retail impact and the sequential test can also be appended to proofs, but inquiry time should not be devoted to these issues.
18. Rebuttals are not encouraged unless they are clearly helpful in assisting the inquiry by helping to clarify evidence or by addressing new issues that may have arisen.
19. Proofs should not include schedules of weighting relating to any kind of "planning balance", and the inquiry should not spend time debating weighting terminology or fine differences over the attribution of weight to different factors. The parties should focus on the principal issues on which the decision turns.
20. The parties should address the merits of this particular case and not spend time trying to draw parallels with or conclusions from other Inspectors' decisions or from court cases.

Plans and visuals

21. The Appellant will supply a manageable A3 set of plans and visuals in hard copy that I can look at in the inquiry and take on site.

Statements of common ground and topic papers

22. The Appellant and Council will provide an overarching statement of common ground setting out areas of agreement and disagreement. This should be more than a superficial document.
23. The Appellant and Council (and Parish Council in the case of highways) should produce meaningful and helpful agreed topic papers, as separate documents, on:
 - The relevant heritage assets in the vicinity of the site (map plotting, listing description and photographs)
 - The housing land supply position (including that beyond 31 October 2025)
 - Highway issues (which will be tripartite between Appellant, Council and Parish Council)

- The most relevant development plan policies.
24. The topic papers should be factual. They may include helpful plans and summary tables where appropriate as well as relevant references to core documents. They may briefly explain points of divergence between the parties but they should not stray into debating merits or impacts, which are for the proofs of evidence.
25. Topic papers should be submitted by Friday 28 February.

Conditions and Obligation

26. A draft planning obligation and accompanying CIL compliance schedule should be submitted to PINS by Tuesday 11 March and a finalised version should be available before the close of the inquiry.
27. A set of agreed conditions based on the model conditions set out in the Annex to Circular 11/95 should be submitted to PINS by Tuesday 11 March. These should be clear, concise, avoid all unnecessary prescription and pass the test of necessity. I would be grateful if the parties would scrutinise the conditions very carefully and critically to avoid unnecessary inclusions, duplication, over-prescription and unnecessarily obstructive and delaying requirements including pre-commencement clauses.
28. There will be a short round table session conditions and the s106 obligation during the inquiry as indicated in the timetable above.

Site visit

29. The Inspector's site visit will be carried out as set out in the timetable above. An unaccompanied visit is preferred. The Appellant, Council and Parish Council will together provide a small hard copy plan with an itinerary for the site visit. This will be appended to the Statement of Common Ground.

Conclusion

30. This note supersedes my pre-conference note of 4 February 2025.
31. Thank you for your assistance at the case management conference. I shall look forward to seeing you again at the inquiry.

Jonathan Bore

INSPECTOR

6 February 2025