

APPEAL Ref: APP/D1265/W/25/3372602

Land to the rear of 156-172, South Street, Bridport

NOTE OF CASE MANAGEMENT CONFERENCE

Monday 3 November 2025

1) Introduction by Inspector

The Inspector is David Prentis, a chartered town planner, appointed to conduct the Inquiry and to determine the appeal.

This is an application for redevelopment of land to the rear of 156-172 South Street Bridport for retirement living accommodation comprising 48 apartments, 25 cottages, communal facilities, access, car parking and landscaping to create an integrated retirement community.

The Council was represented by Michael Feeney, barrister (MF)

The appellant was represented by Sasha White KC (SW)

2) Purpose of the case management conference

The purpose of the conference was to discuss the management of this case, including the presentation of evidence, so that the forthcoming Inquiry is conducted in an efficient and effective manner. There was no discussion of the merits of the respective cases.

3) The arrangements for the Inquiry

The Inquiry itself is scheduled to open at 10.00 on 13 January 2026. The current time allocation is 5 days.

The venue will be County Hall, Dorchester.

The Inquiry is expected to be a wholly face-to-face event. However, the Council confirmed that it would be able to host a virtual session or remote participation, should that become necessary for some unexpected reason.

4) Likely main issues

The main issues are likely to be:

- a) whether the proposal would make appropriate provision for affordable housing;

- b) whether the proposal would contribute to the achievement of a balanced community;
- c) the effect of the proposal on flood risk; and
- d) the nature and extent of any economic, social and environmental benefits.

The Council is not now pursuing RfR 1 (pedestrian and vehicular access) or RfR 2 (protected species).

Consideration of the need for housing, affordable housing, and older persons housing would fall within item (d).

5) Witnesses and scope of evidence

The Council expects to call two witnesses and possibly a third:

Robert Lennis – planning and flood risk sequential test

Cecilia Reed – viability

A quantity surveyor to be confirmed (if abnormal costs are in dispute)

The appellant also expects to call two witnesses and possibly a third:

Matthew Shellum – planning

A viability witness to be confirmed

A quantity surveyor to be confirmed (if abnormal costs are in dispute)

Housing land supply

MF advised that the Council had recently published a new housing land supply position statement which identified a supply of 2.53 years.

SW commented that the appellant had not yet reviewed this document however it was expected that housing land supply would be agreed and covered in a statement of common ground (SoCG).

At this stage it seems unlikely that the supply position will need to be the subject of detailed evidence at the Inquiry.

Viability

MF advised that the district valuation service (DVS) had submitted a report to the Council, reviewing the appellant's updated viability assessment. A quantity surveyor had been instructed to review the abnormal costs. Depending on whether those costs were found to be justified, this may affect the DVS conclusions on viability.

SW commented that the appellant has not yet seen the DVS report but that both parties were aware of the importance of effective communication between respective experts in the pre-inquiry process.

Need for older persons housing

SW advised that the appellant was not anticipating submission of a further report on need, beyond that submitted with the application. The appellant will seek to agree need through the SoCG.

In answer to my question, MF said that the Council would be relying on published documents rather than preparing a new report on need. The Council would also seek to agree matters in the SoCG.

Flood risk

The differences between the parties include a matter of principle which relates to the geographical area of search for the flood risk sequential test (FRST). There may also be disputes about whether specific sites are reasonably available for the purposes of the FRST.

MF commented that the appellant has provided an updated FRST which is being reviewed. In answer to my question, MF said that the Council was not anticipating doing its own FRST (this being a matter for the appellant) of the wider geographical area which it contends is the right area of search.

SW commented that the appellant would be arguing that changes to the PPG (September 2025) have confirmed that the appellant's FRST has considered the right area of search. Moreover, the appellant felt that, in the absence of evidence, it would be unsatisfactory for the Council to contend that the FRST could not be passed for a wider search area.

MF/SW agreed that there would be discussions between the respective witnesses with a view to seeing what could or could not be agreed.

SW advised that further work is taking place in relation to a Flood Warning and Evacuation Plan. This would be submitted to the Council in the near future and they would need time to consider it.

The Environment Agency has a concern about access to flood defences. SW/MF agreed that this was matter which was not likely to generate further technical work. It was expected to be addressed by SoCG and/or conditions.

Other technical assessments

SW/MF confirmed that they were not aware of any ongoing technical assessments other than those covered above.

6) How the evidence is to be examined

It was agreed that the matters in dispute would best be examined through formal evidence in chief and cross-examination.

7) Statements of Common Ground

It was agreed that there will be an overarching planning SoCG with topic SoCG for viability and flood risk.

8) Conditions

Wherever possible I seek to deal with conditions mainly in writing, to make best use of inquiry time.

Please may I have a separate editable Word document with the suggested conditions. I will aim to issue questions and any suggestions by notes on the draft schedule. This may be an agreed schedule, but it does not matter if it is not agreed. If there are points of disagreement, they can be recorded within the same version of the schedule, either with margin notes or alternative drafting.

Please could there also be a schedule of the plans that would become approved plans if the appeal is allowed, also as a separate editable Word document.

9) Planning obligations

The parties will seek to achieve a bilateral agreement.

It is important that the interested parties have an opportunity to see the draft S106 agreement in advance of the Inquiry.

No doubt the Council will wish to be satisfied that the obligations will be effective, in terms of evidence of title and the correct land being bound. I will seek the Council's confirmation on that point at the planning obligations session but there is no harm in flagging it up now.

10) Management of documents and how they can be accessed digitally

The Inspector will need to be able to access the CDs when preparing.

Also, we all need to be able to access documents during the Inquiry. Document libraries are often hosted by the Council but have also been hosted by appellants. It is important that the library gives quick access to the documents that are needed during the event – systems designed to provide public access to planning applications are not generally suitable for the volume of documents generated by an Inquiry such as this. There also needs to be the capacity to update the document library during the event.

MF advised that the Council would host the document library and will seek to agree the document list with the appellant.

Subject to satisfactory arrangements being in place, I would prefer to work electronically. However, I will ask for hard copies of any plans that would become approved plans if the appeal is allowed. I may ask for some other items to be produced in hard copy once I have read the evidence. Anything I ask for in hard copy can be brought to the Inquiry.

11) Pre-inquiry timetable for submission of documents

25 November 2025 - any further technical documents/data/assessments, including those relating to housing land supply, need for older persons housing, flood risk/sequential test/exceptions test, SoCG on planning, SoCG on flood risk and suggested conditions (whether or not agreed)

28 November 2025 - any further technical documents/data/assessments relating to viability and SoCG on viability

9 December 2025 - proofs of evidence, draft S106 (whether or not agreed)

23 December 2025 - rebuttal proofs, only if needed. Any rebuttals should be short and confined to responding to points put in evidence. This is not an opportunity to introduce new matters

6 January 2026 - time estimates for XiC and XX; final draft S106, Statement of Compliance with CIL Regulations

Inquiry opens **13 January 2026**

12) Inquiry duration, running order and programme

It was agreed that the five days that have been allocated should be sufficient.

It was also agreed that that the running order would most likely be: Opening; interested parties; viability witnesses (including any disputed evidence on abnormal costs); planning/FRST witnesses.

13) Site visit

I will carry out an unaccompanied preliminary visit before the Inquiry to orientate myself in preparation for hearing the evidence.

There will be a formal site visit during or after the Inquiry. I will discuss later whether that needs to be accompanied. I note that the site is an operational building supplies merchant so there will need to be appropriate health and safety arrangements in place.

[Post meeting note: if there is not thought to be need for an accompanied site visit, it may be that a member of staff on site who is unconnected with the appeal could enable me to see the site safely]

14) Any other procedural matters

The Council's statement of case refers to revision E of the site plan, which has not yet been submitted to the Inquiry. In anticipation of an application to accept an amended plan, I asked whether consideration had been given to the need for consultation with interested parties. SK undertook to review this point with the Council.

In the interests of transparency, I mentioned that I have recently determined an appeal in which the FRST was an important consideration (APP/D0121/W/24/3343144 – Land at Rectory Farm North, Chescombe Road, Yatton). I made clear that I was not suggesting that the decision is important in relation to the current appeal. SW and MF indicated that they were already aware of this appeal decision. SW noted that it is one of six decisions that have dealt recently with FRST. It was agreed that all six should be included in the core documents.

SW had alluded above to the appellant's position in relation to the September 2025 changes to PPG on FRST. He reserved his position in relation to a possible application for costs on this basis. If such an application were to emerge, it would be shared with MF at an appropriate stage and made in writing at or before the Inquiry.

There being no further business, I thanked everyone for their attendance and contributions and closed the meeting at 11:05.

David Prentis

Inspector

3 November 2025