

APPEAL REF: APP/R3705/W/25/3371526

Land South of Warton Recreation Ground, Orton Road, Warton

Outline planning application for the construction of up to 110 dwellings, with access, landscaping, sustainable drainage features, and associated infrastructure. All matters are reserved except for primary vehicular access from Church Road.

CASE MANAGEMENT CONFERENCE SUMMARY NOTE

1. The case management conference was led by Glen Rollings, an Inspector, and started at 09:00 on 9 October 2025.
2. The Inspector appointed by the Secretary of State to hold the Inquiry and determine the appeal is John Longmuir BA(Hons) DipUD MRTPI ('the Inspector').
3. The Inquiry is to be held at the North Warwickshire Borough Council Civic Suite, South Street, Atherstone, CV9 1DE, opening at 10:00 on Tuesday 2 December 2025. Six sitting days are scheduled: Tuesday 2 to Friday 5 December, and Tuesday 9 and Wednesday 10 December. The Council confirmed that it will arrange internet livestreaming of the proceedings.
4. The advocates were confirmed as: James Corbet Burcher for the appellant, and Killian Garvey for the North Warwickshire Borough Council ('the Council'). Warton Residents' Association ('WRA') will participate in the Inquiry as a 'Rule 6' party and will not be legally represented.
5. The Council is encouraged to draw the attention of interested parties to this Note, including posting a copy on its website.

Confirmation of proposal details

6. The description of the appeal and address of the appeal site, as they appear at the top of this note, were confirmed as being correct.

The main issues for the Inquiry

7. Main issues have been drawn from the appellant and WRA statements of case and the Council's putative reasons for refusal, as set out in its October Board Report. The Council submitted a statement of case after the CMC, and this has also been taken into account in defining the main issues and the format of their examination.
8. The main issues for the Inquiry are confirmed as:
 - The effect of the proposed development on the settlement hierarchy of the borough;

- The effect of the proposed development on the character and appearance of the area, with particular reference to the surrounding landscape, the design and layout of the proposal, and its spatial integration with existing development;
 - Whether future residents of the proposed development would have appropriate access to facilities and services; and
 - The effect of the proposed development on the supply of agricultural land.
9. The Council's reasons for refusal pertaining to physical and social integration with the existing community of Warton will be addressed in the character and appearance, access, and planning sessions.
 10. The Inquiry will also examine planning matters, to include consideration of the Council's housing land supply, and any benefits to be weighed in the balance, together with any implications of not proceeding with the scheme.

How the main issues will be dealt with

11. The evidence will be presented in a mix of round-table interrogative discussions to be led by the Inspector, and formal presentation and cross-examination by the advocates and the WRA.
12. The first main issue, dealing with the settlement hierarchy, will be considered as part of the planning matters examination.
13. Consideration of the main issues pertaining to character and appearance, access to facilities and services, and the supply of agricultural land will be in a round-table discussion format. The parties will collaborate on producing draft agendas to inform the discussion for each session, which will be submitted to and finalised by the Inspector before the Inquiry opens.
14. The parties expressed differing views as to whether housing land supply should form part of the planning matters examination, or as a stand-alone session. Having considered these views and reviewed the evidence submitted to date, the latter arrangement will be adopted. This matter will be considered within its own round-table discussion, which will allow the Inspector to lead the discussion, enable a more focused planning examination session, and make the most effective use of Inquiry time. Due to witness availability, this session will be scheduled in the first week of the Inquiry.
15. The parties confirmed that there are currently no other witness availability constraints.
16. Towards the end of the Inquiry, the session concerning planning matters will be dealt with through the formal presentation of evidence in chief and cross-examination. Matters of policy, any benefits and the overall planning balance

will be covered. Any outstanding matters, including those raised by interested parties, should also be incorporated within this session.

17. Separate topic-specific statements of common, but more particularly uncommon ground, are required for each session topic, together with a statement covering the other planning issues. The appellant is to take the lead in the preparation of those statements, liaising with the Council and WRA. These are expected to be finalised and agreed by all parties by exchange of proofs of evidence. Further information is set out in the table of submission deadlines below.
18. Proofs of evidence of more than 1,500 words should be accompanied by a summary proof. This can be provided as either a separate document or as a preface to the main proof. Notes on the format and content of proofs and appendices are attached at Annex B.

Conditions

19. An agreed schedule of suggested planning conditions and the reasons for them, including references to any policy support, is to be submitted at the same time as the proofs. The Council should take the lead on preparing the list, in discussion with the appellant and the Rule 6 parties. You 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, particularly the test of necessity. You are reminded in this regard that as set out in the National Planning Policy Framework, planning conditions should be kept to a minimum and that conditions that are required to be discharged before development commences should be avoided unless there is a clear justification. The reasons for any pre-commencement conditions will need to include that justification.
20. Any difference in view on any of the suggested conditions, including suggested wording, should be highlighted in the schedule with a brief explanation given. These will be addressed in a round-table discussion.

Planning obligation

21. A final agreed draft of the planning obligation is to be submitted shortly before the Inquiry opens. This will be accompanied by the relevant office copy entries and a CIL Compliance Statement prepared by the Council. That statement is to set out a fully detailed justification for each obligation sought, detailing how it complies with the CIL Regulations, in particular the test of necessity in terms of how it would mitigate a particular harm arising out of the development proposed. It should include reference to any policy support and, in relation to any financial contribution, exactly how it has been calculated and on precisely what it would be spent. For any financial contributions, whilst the pooling restriction has been rescinded, the Statement will still need to set out whether any relevant schemes are the subject of other financial contributions, to assist the Inspector in deciding whether any contribution sought in relation to this development is properly justified. The obligation will be discussed in a round-table session.

22. The Inspector will require a fully signed and dated version of the planning obligation to be submitted to him by the close of the Inquiry or, exceptionally if any changes are to be made, shortly thereafter.

Core documents

23. The parties will discuss and agree a list of core documents in advance of preparing their proofs so they can be properly referenced therein. That list is to be co-ordinated by the appellant and must be submitted to the Inspector with the proofs. A suggested template for that list is attached at Annex A.
24. The Core documents should comprise only those to which you will be referring and do not need to include a copy of the National Planning Policy Framework or deal with areas where there is no dispute. Any appeal decisions and/or legal authorities on which any party intends to rely will 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.
25. Where any documents on which it is intended to rely are lengthy, only relevant extracts need to be supplied, as opposed to the whole document. Such extracts should, however, be prefaced with the front cover of the relevant document and include any accompanying relevant contextual text.
26. The Inspector will require one hard copy of each of the proofs (excluding appendices), together with an A3 copy of any appropriate plans and townscape-related documents, which should be sent to the Inspectorate at the same time as the electronic version. The appellant should provide a hard copy set of the Core Documents on Inquiry opening to form an Inquiry library to be accessed by interested parties at the event.
27. Any necessary documents submitted once the Inquiry has opened will be recorded as Inquiry Documents on a separate list, which the Inspector will administer. A minimum of three hard copies of any new documents will be required: a copy each for the other main parties and for the Inspector, with extra copies to be made available to assist interested parties if necessary.
28. An Inquiry website will be administered by the Council, on which core documents will be made publicly available, and this will be updated during the Inquiry. The Council is requested to provide an easily accessible link to this on its main planning website.

Inquiry running order and programme

29. After the first day of the Inquiry, proceedings will resume at either 09:30 or 10:00 (depending on progress) and will aim to adjourn each day no later than 17:00, with a definite finish of 17:00 on Inquiry day 2 of the Inquiry.

30. Following the Inspector's opening comments on the first day of the Inquiry, he will invite short opening statements from the appellant first, followed by the Council, and then the WRA, which will establish the matters to be discussed during the proceedings. He will then hear from any interested parties present who wish to speak. Should any interested party wish to address the Inquiry on any other day, the Inspector will seek the co-operation of the advocates to accommodate such requests.
31. The timing of the site visit was discussed, with it likely to occur after much of the evidence has been heard. The Inspector's preference is to schedule it prior to the character and appearance topic session, although this may not be possible given the aforementioned scheduling requirement for the first week.
32. This will be an accompanied site visit for the Inspector to see the site and its surroundings, and any other sites of interest. He will not hear any representations/discussion/arguments during the visit, but parties can point out physical features. It is important that you give some thought as to where you wish him to see the site from, with a route map/schedule to be agreed between the parties, led by the Council, and provided as a publicly accessible core or Inquiry document.
33. Main issues will then be dealt with on a topic-by-topic basis, in the order set out as listed above. Lastly in terms of evidence, matters relating to planning policy, any benefits to be weighed in the planning balance, including any implications of not proceeding with the scheme, and the overall planning balance will also be dealt with through evidence-in-chief and cross-examination. The appellant's evidence should also address any other matters raised by interested parties during the Council's various consultations and those raised at the Inquiry. The evidence will be heard in the following order, with the agreement of the main parties:
- Council witness examination-in-chief
 - Cross-examination by appellant
 - Council re-examination (if required)
 - WRA witness examination-in-chief
 - Cross-examination by appellant
 - WRA re-examination (if required)
 - Appellant witness examination-in-chief
 - Cross-examination by the Council
 - Cross-examination by WRA
 - Appellant re-examination (if required)
34. On conclusion of that, the Inspector will lead a 'round-table' discussion on conditions and provisions of the planning obligation. That will be followed by closing submissions (WRA, then the Council, finishing with the appellant) which should set out your respective cases as they stand at the end of the Inquiry. A written copy should be handed to the Inspector at the time and recorded as an

Inquiry Document, appropriately cross-referenced where evidence is relied on, for the avoidance of doubt.

35. The Council confirmed that the Civic Suite is equipped with accessibility features and that retiring rooms would be available for the Inspector and each of the three main parties. A parking space will be available for the Inspector.

Document final submission dates

36. As discussed in the CMC, the Inspector will seek the co-operation of the appellant and the Council to submit initial Statements of Common Ground earlier than usual in the process, which will assist in writing of proofs of evidence. It was agreed that these would be submitted to the Inspectorate no later than **22 October 2025**.
37. As set out in the start letters, all proofs from all parties are to be submitted no later than **4 November 2025**. The draft timetable and timings should also be submitted at this time, together with the list of core documents, an agreed schedule of conditions, and a first draft of the s106 agreement together with compliance statement.
38. Also to be submitted on this date are updated Statements of Common Ground, with input from the WRA, if necessary.
39. The Council is to ensure that a copy of the Inquiry notification letter and a list of those notified is sent to the Planning Inspectorate no later than **11 November 2025**.
40. There is no reference in the Rules or the Procedural Guide to supplementary or rebuttal proofs and the Inspectorate does not encourage the provision of such. However, where they are necessary to save Inquiry time, copies should be provided no later than **18 November 2025**. It is important that any rebuttal proofs do not introduce new issues. If the parties are considering submitting rebuttal proofs, it may be that the relevant matters could more succinctly be addressed through an addendum Statement(s) of Common Ground.
41. A final draft planning obligation and all relevant office copy entries should also be provided by this date, together with draft agendas for the round-table sessions on character and appearance, accessibility, agricultural land and housing land supply.
42. Other than in exceptional circumstances, all parties are expected to keep to the timetable and other timings set out in this note, which will require the cooperation of both advocates and witnesses.

No later than 22 October 2025	Deadline for submission of: initial Statements of Common Ground between the appellant and Council.
No later than 4 November 2025	Deadline for submission of: - updated Statements of Common Ground including the WRA; - all proofs of evidence, appendices and summaries; - a draft timetable, with proposed witness timings; - an agreed list of suggested planning conditions in Word format; - first draft of the s106 agreement and CIL compliance statement; and - a core documents list, submitted in Word format.
No later than 11 November 2025	Deadline for submission of: the Council's Inquiry notification letter and list of recipients.
No later than 18 November 2025	Deadline for submission of: - any addendum/revised statements of common ground or necessary rebuttal proofs of evidence; - a final draft legal agreement or Unilateral Undertaking, including office copy entries and accompanying documents, and CIL compliance statement; and - draft agendas for the round-table sessions on: - character and appearance; - accessibility; - agricultural land; and - housing land supply.
Tuesday 2 December 2025	Inquiry opens 10.00 am.

Costs

43. No application for costs is anticipated by any party at this stage. If any application is to be made, the Planning Practice Guidance makes it clear that it should be made in writing before the Inquiry. Costs can be awarded in relation to unreasonable behaviour which may include not complying with the

prescribed timetables. You are also reminded that to support an effective and timely planning system in which all parties are required to behave reasonably, the Inspector has the ability to initiate an award of costs.

Close

44. Thank you for your co-operation. Any queries and correspondence directed to the Inspector or Planning Inspectorate should be sent to the Inspectorate's case officer for this appeal, John Legg.

G Rollings
INSPECTOR

16 October 2025

ANNEX A – TEMPLATE FOR CORE DOCUMENTS LIST

(Headings / subheadings may be adapted to suit)

1 Application documents and plans

CD1.1

CD1.2

etc

2 Additional/amended reports and/or plans submitted after validation

CD2.1

CD2.2

3 Committee report and decision notice

CD3.1 Offer's report and minute of committee meeting

CD3.2 Decision notice

CD3.3

4 The Development Plan

CD4.1 Local Plan policies

CD4.2 London Plan policies

CD4.3 Supplementary planning documents

CD4.4

5 Relevant appeal decisions*

CD5.1

CD5.2

6 Relevant judgements*

CD6.1

CD6.2

7 Appeal documents

CD7.1 Statements of common ground

CD7.2 Proofs of evidence

8 Pre-Inquiry documents

CD8.1 Inspector's pre-conference note

CD8.2 Inspector's case management conference agenda

CD8.3 Inspector's case management conference summary

8 Other

CD8.1

CD8.2

*Any appeal decisions or judgements/citations on which a party intends to rely must each be prefaced with a note explaining its relevance to the issues arising in the current case, together with the propositions relied on, with the relevant paragraphs marked up.

ANNEX B – 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 necessary to make the case and avoid including unnecessary material, or duplicating material in other documents or another witness's evidence;
- where data is referred to, include that data, and outline any relevant assessment methodology and the assumptions used to support the arguments (unless this material has been previously agreed and is included as part of the statement of common ground).

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 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.
- Proofs are to be bound in such a way as to be easily opened and read.
- 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.
- Appendices are to be bound separately.
- Appendices are to be indexed using projecting tabs, labelled and paginated.