



APPEAL REF: 6005786

Land at Colwell Farm, Haywards Heath RH17 7TB

Outline application with all matters reserved except for access, for up to 80 dwellings with associated landscaping, open space, infrastructure and vehicular and pedestrian accesses

Case Management Conference Summary Note

1. This note summarises the discussion and provides direction from the Case Management Conference (CMC) held 28th April 2026 at 10:00am – 12:10pm. The main purposes of the CMC were to discuss the procedural and administrative aspects of the Inquiry, and the issues that will need to be addressed in evidence. This is to ensure the forthcoming event can be conducted in an efficient and effective manner.
2. The Inspector appointed to conduct the inquiry is T Burnham BA (Hons) MSc MRTPI.
3. The Inquiry is scheduled to open at 10:00 on Tuesday 28th July 2026 running until Thursday 30th July and then Tuesday 4th August to Thursday 6th August, scheduled for 6 days. Other than the first day, the remaining 4 scheduled days will thereafter commence at 09:30 each morning. I will aim to finish each day by 17:00, latest 17:30.
4. Depending on number of witnesses, and the degree to which common ground can be agreed there may be the need for a 7th 'Reserve' Day, for closings only which should it be needed could be held online on MS Teams (**Council hosted**). That day would commence at 9.30am and would need to be shortly after the in person element of the Inquiry. The parties should liaise with the case officer with regard to availability for that reserve day. Please be aware that we will need to work to meet the Inquiry time we have available. If any further time is needed this would be best arranged well in advance, otherwise there is a risk of a significant delay to the Inquiry.
5. The Council's advocate is Paul Brown KC and the appellant's advocate is James Corbet Burcher. The advocate for Rule 6 Party, Protect Colwell Farm Action Group (PCFG), is Piers Riley-Smith. Advocate for the CMC only for PCFG was Freddie Humphreys.

6. All communication for the Inquiry should go through the Planning Inspectorate's Case Officer, Laurie Wordsworth: robert.wordsworth@planninginspectorate.gov.uk
7. It is recommended that the Council place a copy of this note on its website with the planning documents associated with the appeal.

Main Issues

8. It was agreed at the CMC that the main issues at this point are:
 - Whether the proposal would comply with the development strategy for housing with regard to access to services and facilities.
 - The effect of the proposal on the countryside/general character and appearance.
 - The effect of the proposal in terms of proposed loss of trees.
 - The effect of the proposal on the character and appearance of the Conservation Area and on the setting of the Conservation Area.
 - The effect of the proposal on the setting of the Grade II listed Colwell House and the undesignated North Colwell Barn.
 - Ecology? (possible/unknown at present).
9. The development plan and planning balance/affordable housing/5YHLS will be taken into consideration at the Inquiry.

Other Matters

10. A draft statement of common ground has been prepared. As discussed at the CMC there will be topic specific statements of common ground prepared on services/facilities and access, Character and Appearance/Countryside, Heritage (Conservation Area/LB/undesignated asset), Trees, Affordable Housing/Land supply, Ecology (possible). PCFG should be kept up to date with the preparation of the SOCGs and offered opportunity to comment – it was discussed that this could be done through the addition of a table for comments.
11. At the time of the CMC, I had only had the Council and PCFG statements of case with me for a very limited time period. Upon fuller consideration of the statements of case, it is the case that Part 3 of the PCFC Statement of Case is insufficient as it does not contain all the details and arguments that are being put forward. A replacement section should be provided by **5pm on Tuesday 19th May**. Please refer to the Gov.uk guide to Rule 6 for interested parties which at part 3 will refer you to section 12 of the Planning Procedural Guide: Planning appeals – England which provides further details on what Statements Of Case should contain.

Dealing with the evidence

12. It is currently my intention that witnesses will be grouped by Topic, the order in which topics shall be explored can be discussed between the parties. In terms of order of evidence, Council first, then PCFG and then appellant.
13. The main issues other than general character and appearance/impact on countryside will be subject to formal evidence. I am planning a Round Table Session (RTS) on that issue given that it was confirmed at the CMC that there is not anticipated that any technical landscape based discussion will be required. I also intend that this is timetabled after hearing full evidence on the main issues.
14. There will be the usual RTS's covering matters such as planning obligations and conditions. Given the position with the PCFG statement of case, I cannot currently advise you how we will deal with any possible ecology evidence. I will set this out at a second CMC or within a further note as we move forward towards the Inquiry when I have more information.

Inquiry running order – as matters stand

15. Following my opening comments on the first morning of the Inquiry, I will invite opening statements from the main parties (ideally no longer than around 10 minutes) appellant first, and then the Council followed by PCFG. I will also hear from any interested parties who wish to speak, although there will be scope to hear from interested parties on other days if they cannot attend on the first day.
16. I will then hear formal evidence in a topic based format. I will lead a RTS on countryside/general character and appearance. A RTS on conditions and the planning obligations will be carried out (without prejudice).
17. I will carry out an accompanied site visit onto the site during the Inquiry, which will be programmed nearer the time – likely to be early morning or early evening so as not to take away much Inquiry time. One rep from each party would need to attend. An agreed site visit itinerary should be provided, including viewpoints on a map. I will likely visit the public areas around the site and the general area on an unaccompanied basis at some point in my own time during the two Inquiry weeks.
18. Closing submissions from the Council, PCFG and then the appellant would follow all the evidence. These should ideally be no longer than one hour. The closing submissions should set out each parties' respective cases as they stand at the end of the Inquiry, with a copy emailed to the case officer, appropriately cross-referenced where evidence is relied on, for the avoidance of doubt. Any case law should also be attached along with references to relevant paragraphs. A written copy of the closing submissions should also be provided on the day to the Inspector.
19. Should there be any applications for costs, they will be heard after closing submissions.

20. The Inquiry will then be closed.

Conditions (without prejudice)

21. A schedule of suggested planning conditions and the reasons for them, including references to any policy support, should be submitted at the same time as the proofs in a tabulated 'Word' document. An example is provided at the end of this note. I understand that there have been some conditions discussed. I would appreciate it if PCFG can be involved in the discussion of conditions. Please add a table for their comments.
22. Any differences in views on the suggested conditions, including suggested wording, should be highlighted in the schedule with a brief explanation given.
23. Careful attention must be paid to the wording, and the conditions will need to be properly justified having regard to the tests for conditions, in particular the test of **necessity**. It is important to ensure that conditions are kept to a minimum and are tailored to tackle specific problems, rather than standardised conditions or used to impose broad unnecessary controls. There should be no unnecessary 'tailpieces' included with the conditions, e.g. *unless otherwise agreed in writing*.
24. **Please order the conditions in line with the Planning Practice Guidance¹ (PPG).**

Planning Obligation (without prejudice)

25. A Planning obligation is to be arranged as I understand it. An initial draft is to be submitted at the same time as the Proofs of Evidence (PoE), with a final draft to be submitted 2 weeks before the Inquiry opens. This will also need to be accompanied by the relevant office copy entries and a CIL Compliance Statement prepared by the Council, comprising a fully detailed justification for each obligation, including any policy support. Two weeks will be allowed after the event has closed for submission of a signed version.

Core Documents/Inquiry Documents

26. A core document list and all core documents are to be filed within an online directory, with the file address to be supplied to the Case Officer, Laurie Wordsworth in line with the timescale detailed. At the CMC it was discussed that this is to be provided within the Council website.
27. This will need to be done in advance of the submission of PoE to ensure that the core documents can be properly referenced in advance of formulating the PoE. Parties are to liaise with each other in formulating the list.

¹ Paragraph: 024 Reference ID: 21a-024-20140306

28. The core documents will need to be made available online. Ideally within an easily navigable webpage containing the Core Documents list with embedded hyperlinks to each Core Document.
29. Whoever provides the online documents would also need to be responsible for uploading documents submitted during the Inquiry. A separate 'Inquiry' documents list will also need to be compiled.
30. It was confirmed that a computer would be provided at the Inquiry venue such that any attendee without their own electronic device would be able to easily view the core documents.
31. The core documents should comprise only those documents to which witnesses will be referring. A copy of the National Planning Policy Framework for example does not need to be included as a specific core document.
32. It would be helpful to me to highlight which specific Core Documents that I will need to focus my attention on prior to the Inquiry opening.
33. Any Appeal Decisions and/or legal authorities on which any witnesses intend to rely will each 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 are being relied upon, and the relevant paragraphs flagged up.

Housekeeping

34. The venue is the Council Chamber at the District Council Offices, Mid Sussex District Council, Oaklands Road, Haywards Heath, RH16 1SS. I understand the venue is available for full days, other than the opening day, the Tuesday 28th July when due to another meeting in the evening we will need to vacate the venue by 4.30pm.
35. Wi-Fi is available and the building is widely accessible and I understand there is a microphone system built in. I understand that a retiring room is available for me and the availability of a room within a nearby building is being explored with regard to the appellants team.
36. Guidance for setting up a venue for an Inquiry is provided [here](#). I will not need a monitor as suggested by paragraph 6 of the guidance.
37. Water is to be provided in the Inquiry room.
38. In case it is relevant, I will not need any parking provision to be made for myself as I will be using public transport.

Timings

Date:	Deadline for:	Who responsible?
19th May 2026	Rule 6 Party PCFG to provide updated statement of case	PCFG
16th June 2026	Statements of common ground to be prepared by this date to allow PCFG to comment on them	Appellant/Council
30th June 2026 <i>4 weeks before Inquiry opens</i>		
	Initial Draft Planning obligation	Appellant, Council
	Proofs of Evidence (PoE)	All parties
	Core documents library details provided	Council
	Agreed SoCG including PCFG input	Appellant/Council/PCFG
7th July 2026	Deadline for:	Who responsible?
	Inquiry notification letter and list of those notified	Council
14th July 2026 <i>2 weeks before Inquiry opens</i>	Deadline for:	Who responsible?
	Final draft planning obligation and relevant office copy entries	Appellant, Council
	CIL compliance statement	Council
	Rebuttal proofs (if necessary)	All parties
	Time estimates for openings, evidence in chief, cross examination and closings – Draft timetable.	Appellant to lead, Council, PCFG
28th July 2026	Inquiry opens 10:00	

39. Other than in exceptional circumstances, participants are expected to take no longer than the timings indicated on the timing estimates, which will require the cooperation of advocates and witnesses.
40. There is no reference in the rules or the Procedural Guide to supplementary or rebuttal proofs and the Planning Inspectorate does not encourage the provision of such. However, they can be useful to narrow areas of disagreement and save Inquiry time. It is important that any rebuttal proofs do not introduce any new issues.

Costs

41. No costs applications have been made to date and it was advised at the CMC that none are anticipated at the present time.

42. You are also reminded that to support an effective and timely planning system in which all parties are required to behave reasonably; I have the power to initiate an award of costs in line with the PPG. **Unreasonable behaviour may include failing to comply with the prescribed timetable.**

T Burnham

INSPECTOR

1st May 2026



Content and Format of Proofs and Appendices

Please also see Annex F.10 of the [Procedural Guide: Planning appeals – England](#) for guidance on Proofs of Evidence.

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 core documents or another witness' evidence.
- Where case law is cited in the proof, include the full Court report/transcript reference and cross refer to a copy of the report/transcript which should be included as a core document.
- 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 a 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 the proofs and appendices:

- Proofs to be no longer than 3,000 words if possible. Where proofs are longer than 1,500 words, summaries are to be submitted.
- Front covers to proofs and appendices are to be clearly titled, with the name and qualifications of the witness on the cover.
- Pages and paragraphs **must be numbered**.
- PDF proofs are necessary and must be enabled to run a word search.

Arrangements should be made for all proofs, appendices and other inquiry documents to be available online for members of the public.

TEMPLATE FOR CORE DOCUMENTS LIST (adapt headings to suit)

PLEASE insert hyperlinks to each document in the list

CD1 Original application documents and plans	
1.1	
1.2 etc	
CD2 Additional/amended reports and/or plans submitted after validation	
2.1	
CD3 Committee/Officer's Report and Decision Notice	
3.1	
CD4 The Development Plan	
4.1	
CD5 Supplementary planning documents / guidance	
5.1	
CD6 Emerging Development Plan	
6.1	
CD7 Appellant's evidence	
7.1	
CD8 LPA's evidence	
8.1	
CD9 Relevant Appeal Decisions*	
9.1	
CD10 Relevant Judgements*	
10.1	
CD11 Relevant additional information	
11.1	
CD12 Draft conditions and obligations	
12.1	
CD13 Other	
13.1	

* Any Appeal Decisions/Judgements on which a party intends to rely must each be prefaced with a note explaining the relevance of the Decision/Judgement to the issues arising in the current Inquiry case, together with the propositions relied on, with the relevant paragraphs flagged up.

TEMPLATE DRAFT CONDITIONS DOCUMENT

	Condition	Reason	LPA Notes	Appellant comments	Inspector suggested changes/comments
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					