

**PLANNING APPEAL
APPEAL PROCEEDURE
Hither Green Lane, Redditch**

With regard to the need for a Public Inquiry in relation to the above appeal, at this stage, it is anticipated that the Appellant will need to call the following 5 (possibly 6) witnesses:

- Planning / Open Space witness
- Housing Land supply witness
- Specialist golf witness
- Affordable housing witness
- Design witness
- (Landscape witness)

An Inquiry time of 8 days is predicted based on 5 (potentially 6) witnesses for the Appellant, witnesses for the Council, the expectation of a Rule 6 party based on the Appellant's experience to date and to account for a site visit, planning conditions and Section 106 Agreement discussions and opening and closing submissions.

In respect of Annex K of the planning appeals procedural guide, and the criteria for determining the procedure for the appeal, we would respond as follows:

- (i) Annex K: There is a clearly explained need for the evidence to be tested through formal questioning by an advocate (this does not preclude an appellant representing themselves as an advocate).**

Please see the Statement of Case. There is a need for formal cross examination of witnesses by an advocate and testing of evidence, particularly given that the scheme was refused against Officer recommendation and there is likely to be disagreement between the Appellant and the Council on several important matters relating to the five (or six) areas of evidence outlined in the bullets above. This is of particular importance given the reason for refusal includes complex interpretation of both national and local policy in relation to the loss of open space and provision of improvements which will require cross examination. In addition, it is anticipated that the Council's housing land supply position is likely be in dispute and will require cross examination – which could be of further importance for the consideration of the appeal scheme given that the

appeal may be heard under a revised NPPF, which could have implications for engagement of the tilted balance.

Or

- (ii) Annex K: The issues are complex (for example, where large amounts of highly technical data are likely to be provided in evidence).**

The reasons for refusal are lengthy and relate to complex multi part policies in relation to open space and the provision of enhancements; housing need; and design (and possibly landscape). To support this, the Appellant will also wish to call evidence on affordable housing / 5 year housing land supply (which will require presentation of evidence and cross examination) all of which inform the planning balance; alongside specialist evidence on golf course provision.. Therefore, on analysis, there are a range of issues (reflected in the five or six areas of evidence outlined in the bullets above) which will require technical specialist expert evidence.

Or

- (iii) Annex K: The appeal has generated substantial local interest to warrant an inquiry as opposed to dealing with the case by a hearing (where the proposal has generated significant local interest a hearing or inquiry may need to be considered. In such circumstances the local planning authority should indicate which procedure it considers would be most appropriate taking account of the number of people likely to attend and participate at the event. We will take that advice into account in reaching the decision as to the appropriate procedure.)**

The application has generated very substantial local interest and press interest. There were in excess of 345 objections to the scheme and we fully anticipate a request for Rule 6 status from local residents.