

**APP/N5090/W/24/3346789 – Land northwest of May's Lane, Arkley,
Barnet, EN5 2AH**

*Change of use for stationing of caravans for residential use with hardstanding
and dayrooms ancillary to that use*

Adjournment Note

1. This note follows the adjournment of the Inquiry on the 21 March 2025.
2. The purpose of this note is to set out several actions and points of clarification before the inquiry resumes on the 28 April 2025.
3. It is requested that this note is placed on the Council's website, so it is available for interested parties to see.

Highways and Flooding

4. The appellant's team confirmed that they will respond in writing to my questions on flood risk and the points raised on the first day of the inquiry by interested parties regarding highway safety.
5. I would be grateful if this could be done by 16 April 2025.
6. I will subsequently direct any further questions I may have to the planning witnesses.

Appeal Decision

7. The Council and QVGRA have requested sight of the appeal decision relating to an application made to increase the number of pitches at the appellant's father's site and referred to by Mr J Casey when giving evidence. I understand this is a site in Hertsmere. Mr Green is going to supply this (by the 28 March 2025 please), and the document reference will be Inquiry Document 21.

Programme

8. Subject to Mr Volley's recovery, he will give evidence on the 28 April 2025 at a virtual session to start at 0930.
9. The Council will inform all parties as soon as possible if it becomes necessary to field a different planning witness.
10. I will also hear from Mr Pitts on the 28 April if he is able to attend. The Council kindly offered to assist him, and that has been relayed to Mr Pitts via the Appeal Case Officer.
11. Mr Green will give evidence on 1 May 2025 at a virtual session to start at 0930.
12. The conditions session will follow after Mr Green has given his evidence.
13. The Council has already circulated links to the virtual sessions. They are also available on the Council's website.

Closings

14. There are two options for closings. They can be given verbally at a virtual session (date and time to be confirmed) or in writing.
15. I have availability for virtual closings on the 2, 6, 7, 12(am) and 19(am) May and provisionally on 9, 10, 12, 13, 23 and 30 June¹.
16. If the above dates are not mutually convenient for a virtual event, then closings would likely need to be in writing. This would follow a process whereby the Council and QVGRA submit their closings at a set date and time. These are then cross copied to the appellant to submit their closings by a set time on the same day (probably a couple of hours later).
17. If this format is followed, it may be possible for closings to take place only a few days after Mr Green has given his evidence.
18. This may be the most prudent course of action in the circumstances, given the challenging availability.
19. I would welcome your thoughts on the above by 28 March 2025.

Costs

20. It was agreed that applications for costs will be made, and responded to, in writing. I would suggest that they are made in writing by the 1 May 2025 and then responded to in writing by close of business on the same day that closings are due to take place/be submitted. Five days would then be allowed for final comments from the applicants.

Submission of surveys

21. Confirmation was provided yesterday that the appellant had instructed Mr May (on the 20 March 2025) to undertake Great Crested Newt surveys and that they could be completed, and a report prepared, within 8-10 weeks. This would probably be towards the end of May early June.
22. The appellant's team suggested that the survey results and report could be submitted as late evidence although a formal request to this effect was not made.
23. Were such a request tabled, I would need to consider whether it is appropriate and fair to all parties to omit late technical evidence.
24. The approach would certainly present some significant practical problems.
25. Firstly, the Council, QVGRA and interested parties would need a reasonable period to review the document(s) and it may also be necessary to consult Natural England. This could delay matters until late June.
26. Secondly, the findings of the report would be material to the evidence of the planning witnesses, including their overall planning balance.
27. As such, it is likely that the evidence of the planning witnesses would need to be delayed until after the surveys and report are submitted. This would probably be a delay from week commencing 28 April to the summer.
28. Thirdly, following a review of the surveys and report, there may be areas of technical disagreement which could require adducing further evidence. There may even be a need for the biodiversity witnesses to be recalled. This would add further cost and delay.

¹ I am no longer available 16-20 June.

29. Moreover, the Procedural Guide: Planning Appeals² confirms that requests to postpone an appeal or hold it in abeyance will usually be refused unless there are exceptional circumstances. It also states that the appellant should be confident at the time they make their appeal that they are able to make their full case³.
30. The appellant's case to date has been that surveys are unnecessary whereas the Council and QVGRA's is that they are. As such, this is currently the principal controversial matter that needs to be resolved through my consideration of the appeal.
31. If the appellant maintains their position, then there would seem little point delaying the Inquiry. It is not usual practice to delay an appeal to allow an appellant to explore a fall-back position in the event the Inspector does not share their first position.
32. The Council indicated that they will likely make an application for an award of costs if the appellant is now suggesting that surveys are necessary, as this was a point made by the Council before the Case Management Conference.
33. For the above reasons, the indicators are that the Inquiry should not be delayed pending the submission of surveys and a report. Indeed, the Inquiry could be closed in early May if closing submissions take place in writing or the parties are available for a virtual session.
34. However, I would be grateful if the parties could set out their thoughts on this matter by the 28 March 2025. I will then issue a ruling if necessary.

Graham Chamberlain

INSPECTOR

21 March 2025

² Paragraph 11.16

³ Paragraph 3.1.2