

Application Ref: APP/P1940/V/26/3378268

Land East of Oxhey Lane, Carpenders Park, Hertfordshire

CASE MANAGEMENT CONFERENCE SUMMARY

1. The Case Management Conference (the Conference) was held on 18 May 2026 and was led by myself, the Inquiry Inspector, Owen Woodward. This is my note of the meeting and the agreements made and actions set out. Please respond if any clarifications or corrections are necessary.

Attendance

2. The main parties were represented at the Conference by:
 - Mr Banner KC – the Burlington Developments London Ltd (the Applicant);
 - Ms Sargent – Three Rivers District Council (the Council); and,
 - Mr Cruickshank - The Residents Protecting Oxhey Lane Fields (the R6 Party).

Background

3. The Applicant raised concerns regarding the Council's Statement of Case (SoC) in an email dated 12 May 2026. However, this was only received by the Council on the morning of the Conference, ie 18 May 2026. The Council could therefore only respond in part to the email at the Conference. I re-visit this as necessary throughout my note.
4. The R6 Party confirmed that it represents the Carpenders Park Residents Association and a group called 'Can't Replace Greenspace' as well as having a wider membership of local people.
5. I confirmed that I would like the Applicant to provide full details of the secondary pedestrian and cycle access in the lead-up to the Inquiry. Otherwise, the drawings as listed at Paragraph 11 of my Pre-Conference Note were confirmed to be correct.
6. The emerging Tree Protection Order No 937 is likely to be signed shortly, although it is not guaranteed to be before the Inquiry opens or closes.

Main Issues

7. It is anticipated that all matters relating to the Council's second putative reason for refusal are likely to fall away through the agreement of a final Unilateral Undertaking (UU). I will proceed on this basis unless confirmed otherwise.
8. The Applicant confirmed that its highways witness will present evidence on both accessibility and highway safety. A Highways Statement of Common Ground (SoCG) is being prepared in conjunction with the Highway Authority (HA) on

these topics. In addition, the R6 Party is in dispute with the Applicant regarding highway safety and the free-flow of traffic.

9. Green Belt purposes¹ need to be considered both on their own terms² and also with regard to grey belt considerations³. The Council is to clarify its approach with regard to grey belt and purposes. Although the Council verbally confirmed at the Conference that it is also in dispute with regard to Paragraph 155(c) of the Framework, ie accessibility and the grey belt, the Applicant has requested that the Council further clarify its position in this regard with reference to its SoC.
10. Landscape is in dispute with both the R6 Party and the Council, both in relation to Green Belt and character and appearance.
11. Based on the discussions at the Conference as summarised above, the Council's putative reasons for refusal, the reasons provided by the Secretary of State (SoS) for calling in the application, and the SoCs from the parties, I set out below my understanding of the main issues for the Inquiry:
 - Whether or not the application site is grey belt land and whether or not the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework and relevant Development Plan policies;
 - The effect of the proposal on the openness and purposes of the Green Belt;
 - The effect of the proposal on the character and appearance of the area, including on landscape;
 - The effect of the proposed development on highway safety and on the efficient operation of the highway network; and,
 - If inappropriate, whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the 'very special circumstances' required to justify the proposal.
12. For clarity, the 'other considerations' will include consideration of the extent to which the proposed development is consistent with Government policies for delivering a sufficient supply of homes, in accordance with the SoS's identified main issues.
13. I will, of course, need to consider the overall planning balance.
14. Although the above is my current understanding of the main issues, I shall keep them under review in light of the evidence once it has been exchanged, and as heard during the Inquiry.

Other Matters

15. In addition to the above, the Applicant has made it clear that an issue it considers important is s106 mortgagee protection clauses. This will therefore

¹ Paragraph 143, the National Planning Policy Framework (the Framework)

² For a 'very special circumstances' consideration as per Paragraph 153 of the Framework

³ See Paragraph 155(a) of the Framework

also be the subject of evidence and witnesses at the Inquiry, although I reserve judgment as to whether or not it constitutes a ‘main issue’ in its own right.

16. There is a Public Right of Way (PRoW) which runs across the northern part of the site. As it stands, there is uncertainty about whether or not the PRoW would require a diversion as part of the works. This is to be considered further between the R6 Party and the Applicant, hopefully to the point that agreement is reached.
17. The R6 Party confirmed it will not be fielding a witness with regard to veteran trees. However, it re-iterates that the Woodland Trust’s objection remains extant and the onus is on the Applicant to demonstrate that the proposal is acceptable in this regard. The Applicant has reserved its position on whether or not to field a witness on this topic. This topic may or may not require a round-table session (RTS) at the Inquiry or potentially even cross-examination (XX) if further evidence is submitted by the R6 Party.
18. The London Borough of Harrow (LBH) has objected to the proposal. In addition to Green Belt issues, the objection concerns the effect of the proposal on the junction of Oxley Lane and Uxbridge Road and overspill parking. It was agreed at the Conference that the Applicant will produce evidence in these regards, but it is not yet known whether or not LBH will attend the Inquiry.
19. I confirmed that I do not require an itinerary for my informal pre-Inquiry site visit. However, if one can be produced and appended to the Landscape SoCG, then this would be acceptable. I will, of course, require an itinerary agreed between all main parties ahead of my formal site visit at the Inquiry. This can be agreed during the course of the event.

The Inquiry

20. A topic-by-topic approach is to be adopted. The Applicant intends to field witnesses regarding planning, Green Belt, landscape, highway safety, accessibility, trees (potentially), factual mortgagee clauses, and a specialist solicitor mortgagee clauses. The Council intends to field witnesses regarding planning, Green Belt, landscape, accessibility and (potentially) mortgagee clauses. The R6 Party intends to field witnesses regarding Green Belt, landscape, and highway safety. Some of these topics will be covered by the same witnesses, who may have to be called more than once. The main parties are to confirm their witness lists shortly.
21. In light of the above, and the presence of a R6 Party, it was agreed at the Conference that the Inquiry be increased in length by one day to be scheduled to sit for seven days, from 1 to 3 and 7 to 10 July 2026, at Penn Chamber, Three Rivers House, Northway, Rickmansworth, Herts, WD3 1RL. A reserve day is also to be kept clear in everyone’s diaries for Friday 17 July 2026, although this, if required at all, will only be for closings and can be held virtually.
22. At the Conference I promised to write a draft Inquiry Schedule. However, in trying to prepare one I have realised that I do not yet have sufficient information to make this worthwhile. Instead, please can the parties review the following order of events and make any comments they may have, including whether or

not it is feasible that the Council's landscape witness could be accommodated in full in the 1st week. Your comments can then be used to help draft a schedule, including (if possible) attempting to minimise the number of days required for calling R6 Party witnesses.

23. Inquiry order of events:

- Openings:
 - Inspector;
 - Applicant;
 - Council;
 - R6 Party;
- Interested parties (if any);
- Landscape XX (potentially RTS):
 - Council witness;
 - R6 Party witness;
 - Applicant witness;
- Green Belt XX:
 - Council witness;
 - R6 Party witness;
 - Applicant witness;
- Accessibility XX:
 - Council witness;
 - Applicant witness;
- Highway safety XX:
 - R6 Party witness;
 - Applicant witness;
- Mortgagee clauses XX:
 - Council witness;
 - Applicant witness (facts witness);
 - Applicant witness (specialist solicitor);
- Trees RTS (if required – also potentially XX, see above);
- Planning XX:
 - Council witness;
 - Applicant witness;
- Conditions RTS;
- S106 RTS;
- Site visit;
- Closings:
 - Council;
 - R6 Party;
 - Applicant;
- Costs.

24. On the first day, the Inquiry will open at 10:00. I shall resume at 09:30 on all subsequent days. In general, I will aim to finish each day at around 17.00⁴, if not earlier, but it might be necessary in (limited) circumstances to finish slightly later, for example if a witness is very near the evidence of cross-examination.

Other Matters

⁴ On Friday 10 July only, the Inquiry will need to finish by 15:00 to account for diary commitments

25. A final version of the UU is to be produced. Should there prove to be any need to adjust the UU, a short time will be allowed after the Inquiry closes for that purpose. If so, details and a timetable will be confirmed during the associated RTS.
26. A SoCG between the Council and the Applicant is to be finalised. Two topic-specific SoCG are also to be agreed, the first with the Council with regard to landscape matters and the second with the HA with regard to highways matters.
27. A Core Document List (CDL) is to be progressed and agreed in accordance with the timetable set out below.
28. The Council is to set-up an Inquiry Website and will be responsible for maintaining it, including on a daily basis during the course of the Inquiry.
29. It was agreed that a second Case Management Conference might be required. The date and time of 10:00, Wednesday 10 June 2026 is to be held in everyone’s diaries. I will confirm in due course if it is to go ahead.

Costs

30. No applications for costs have yet been made but the Applicant has indicated that it will be making an application for a full award of costs against the Council. This is to be in writing and submitted ahead of the Rebuttals but prior to the opening of the Inquiry. The Applicant also reserves its position with regard to costs and the Council’s SoC.

Timetable

31. Please find below a table listing all the key deadlines leading up to the Inquiry, in chronological order. Please note there are also other actions for the main parties, as set out throughout my note above.

Item	Deadline	Party
Response to Applicant’s concerns with SoC	19 May 2026	Council
Final draft conditions schedule	28 May 2026	Main parties
All three SoCG (main, highways, landscape)		Applicant, Council and HA
A final CDL	1 June 2026	Main parties
Proofs of Evidence	2 June 2026	Main parties
Inquiry notification letter	9 June 2026	Council

Time estimates for EiC/XX		Main parties
Second CMC	10 June 2025	All
Rebuttal Proofs of Evidence	16 June 2026	Main parties
CIL Compliance Schedules		Council and County Council
Final draft UU		Applicant and Council
Final Draft Inquiry Programme		Inspector

32. I welcome any comments that any party has on any of the above.

OS Woodward

INSPECTOR
18 May 2026