

Case Management Conference Note

Case Management Conference held at 10.00 on Wednesday 2 April 2025

APPEAL Ref: APP/Q3060/C/23/3336069

Land at Millstream Court, Peveril Street, Nottingham, NG7 4AJ

APPELLANT: Mr Warjinder Khamba of Together Living 2 Ltd

LOCAL PLANNING AUTHORITY: Nottingham City Council

APPEAL: against an enforcement notice alleging, without planning permission, the removal of the original pitched roof and its replacement with a new flat roof structure. These works include the gable walls being raised in height to support the new roof structure and being rendered to match the rest of the gable wall with the front and rear elevations of the new roof structure being clad with composite cladding in anthracite grey.

1. Introduction

Contributions made by

Appellant	LPA
Dr Tarjinder Khamba	Ms Jessica Allen – Counsel

2. Purpose of the conference

The purpose of this conference was to provide an opportunity for me to give a clear indication as to the ongoing management of the case and the presentation of evidence so that the forthcoming Inquiry is conducted in an efficient and effective manner.

3. Confirmation of advocates and witnesses

Dr Tarjinder Khamba - confirmed that he is likely to act as advocate and that there will be a maximum of 3 witnesses on behalf of the appellant. One witness is currently in Romania and may not be available for the Inquiry. That witness has submitted a statutory declaration.

Ms Jessica Allen on behalf of the Council stated that Daniel Henderson will be Counsel at the Inquiry for the Council. One witness will be appearing on behalf of the Council.

It was agreed that it is sensible to have a potential virtual reserve day – if required – to be the week commencing 9 June 2025 due to availability issues. The main parties are to liaise and confirm a mutually agreeable date.

4. Likely main issue

The main issue is:

The ground (d) appeal - if the matters alleged do constitute a breach of planning control, whether it is too late for enforcement action to be taken;
Whether the alleged breach of planning control was substantially completed prior to 15 November 2019;

Dr Khamba raised an issue that is being investigated currently by the chairman of the Planning Committee in relation to the conduct of officers of the Council. Dr Khamba is to provide the correspondence on this matter to the Council within a week and the Council is to provide comments on that correspondence and send all the documents to the case officer. Dr Khamba raised the issue as he considers it may require the Inquiry to be postponed.

5. Format for examining the main issue

It was agreed that a Statement of Common Ground (SoCG) is not going to be useful in this case.

It was agreed that all evidence with regard to the main issue should be heard by cross examination with each witness under oath.

6. Inquiry Running order and programme

The Inspector will aim to finish the Inquiry no later than 18.00.

- Inspector's Opening Remarks
- Opening statements (no longer than 5-10 minutes) Appellant first followed by the Council.
- Any interested parties present who wish to speak – those who are time constrained.
- Accompanied Site Visit
- Appellant's Witnesses
- Representations of Interested Parties Supporting Appellant (if any – not heard already)
- Council's Witness
- Representations of Interested Parties Objecting (if any – not heard already)
- Closing Submissions (Council then Appellant, no more than 30 minutes)
- Costs Applications (if any) – could be done in writing again if time limited.

7. Inquiry Venue

A room at the Council's Offices at Loxley House, Station Street, Nottingham NG2 3NG has been booked for the Inquiry. A separate room will be available as a retiring room for the Inspector. Wi-fi and photocopying will be available – the Council is investigating whether microphones and a hearing loop will be possible. Parking is available close by.

8. Timetable

Agreed potential virtual sitting day to be confirmed by - **9 April 2025**

Dr Khamba to send correspondence to Council by - **9 April 2025**

Council to provide comments on correspondence – **16 April 2025**

Proofs of evidence - **30 April 2025**

Timings for witnesses and Rebuttal Proofs – **7 May 2025**

Notification Letters for the Inquiry & Site Notice - **14 May 2025**

The Council agreed to upload a copy of this note to its website.

9. Costs

The Council highlighted that it is likely to make an application for costs. If any application is to be made, the planning practice guidance makes it clear that, as a matter of good practice, they should be made in writing before the inquiry.

The conference ended at approximately 10.30.

D Boffin
INSPECTOR

2 April 2025