



## **Inquiry Case Management Call (CMC) Agenda**

**Appeal Site:** The Firs Lodge, 289 – 291 Bath Road, Hounslow TW3 3DB

**Appeal Ref:** APP/F5540/X/25/3365277

**Appellant:** Mrs Satinder Toor

**LPA:** London Borough of Hounslow

**LPA ref:** P/2024/3105

**Description of existing use, building works or activity:** existing use as bed and breakfast (Firs Lodge) has been operative for 20+ years. Attached documents prove it has been a running business since 2000's.

CMC to be held on Tuesday 8 July at 10:00am

## **AGENDA**

1. Introduction by Inspector
2. Purpose of the CMC
3. The Inquiry
4. Provisional main issue
5. Advocates and witnesses
6. Matters to clarify
7. Further work and format of evidence
8. Timescales for submissions
9. Any other business

- 
1. The CMC will be led by the Inquiry Inspector, Mr Andrew McGlone BSc, MCD, MRTPI.
  2. The purpose of this pre-inquiry note is to explain how the event will operate in a fair, open and transparent way and what should be done to ensure it runs smoothly. The inquiry will follow the Town and Country Planning (Enforcement) (Determination by Inspectors) (Inquiries Procedure) Regulations 2002.
  3. The appeal relates to a decision by the London Borough of Hounslow to refuse to grant a certificate of lawful use or development for development described at the start of this note. The application made to the Council was under s191(1)(a) of The Town and Country Planning Act 1990 (as amended).
  4. There will be no discussion during the CMC as to the merits of the parties' respective cases, and the Inspector will not hear any evidence. Rather, its purpose is to set out 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.
  5. Ahead of the CMC, the Inspector asks that, if any of the main parties have not already provided details of those who will be attending the CMC, they do so, including details of your advocates.
  6. The Council should share details of how the Appellant can attend the CMC.

#### Timings, Inquiry Timetable and Hearing Evidence

7. The Inquiry is scheduled to open at **10:00 on Wednesday 3 September 2025**. The Inquiry will take place in person on a single sitting day, though I shall seek the parties' views at the CMC on the length of the Inquiry. There may, however, be possibility that I could hear closings online with each party afforded adequate time to prepare them after hearing the evidence. The parties should be prepared to respond to whether there may be a requirement for any reserve sitting days and, if so, how many.
8. The Council should confirm at the CMC where the Inquiry will be held and whether the venue can accommodate everyone who may wish to attend and that there are suitable rooms for each party and I to use when the Inquiry is not sitting.
9. The Inquiry will focus on areas where there is disagreement. With that in mind, the CMC will explore how best to hear the evidence to ensure that the Inquiry is conducted as efficiently as possible.
10. The main issue is whether the Council's refusal to issue a certificate of lawfulness was well founded. This turns on the whether the appellant can show, on the balance of probability, that 289 and 291 Bath Road have been in use as bed and breakfast accommodation for a continuous period of ten years, and as such, the time for enforcement action has expired or for any other reason.
11. With this in mind, I will be seeking the party's confirmation at the CMC on the critical date for the start and end of the 10 year period. By extension, I will be seeking your views on how evidence from prior to the start date relating to

---

the property should be considered.

12. I would like each party to provide a list of witnesses that you intend to call and what evidence they will cover at the CMC. Evidence will be given on matters of fact, and at this stage, it is my intention for evidence from all witnesses to be given on oath or by general affirmation. If the witnesses wish to take the oath, then they should have the holy book available to them. If evidence is not given on oath or by affirmation, then it will reduce the weight that I can afford to it.
13. I anticipate that after openings, evidence will be heard first from the appellant, followed by cross examination/questions from the Council. Interested parties (if any) may then also have questions, as may I. There will then be an opportunity for re-examination. The Council will then present their evidence in the same way with cross examination/questions by the appellant. We can discuss this procedure at the Inquiry during openings and make changes, if necessary, though it would be helpful to know if there are any limitations on the availability of any witnesses prior to the inquiry.
14. It is not yet clear whether residents or objectors will wish to speak, and if so, how many. However, I expect there may be a need to accommodate third parties, and the programme may need to be flexible.
15. Based on the submitted evidence, the parties should address matters relating to: whether part of the appeal property has been operating as a bed and breakfast for a continuous 10 year period; the weight to be attached to the supporting statements; which supporting information relates to both 289 and 291 Bath Road and which does not; whether there have been any gaps or breaks in the relevant period, including the period in 2018.

#### Documents

15. To clarify, I have received the following evidence from the main parties:

*The appellant* – Statement of Case and additional documents.

*The Council* - Statement of Case including appendices 1 to 4.

*Third parties* - I have not to date received correspondence from interested parties in connection with the appeal.

16. I have several plans. These are: Location Plan (AR02); Existing Block Plan (AR-01); Existing Elevations (AR 08); Existing Side Elevations (AR 07); Existing First Floor Plan (AR 04); Existing Ground Floor Plan (AR 03); Pre-Existing Elevations (AR 05); and Pre-Existing Side Elevations (AR 06). The parties should confirm at the CMC if these are the plans on which the appeal should be considered and determined upon.
17. The Statement of Common Ground (SoCG) between the Council and the Appellant was due to be submitted on 26 June 2025. This was an extended deadline that has not been met by the parties. I will asking why the SoCG has not been submitted in accordance with the timetable at the CMC.
18. The appellant will be asked to confirm at the CMC whether any new material not previously submitted to and considered by the Council is to be relied upon

---

at the Inquiry. If so, the appellant will be asked to share this with the Council in good time to enable Proofs of Evidence to be prepared and submitted having regard to all the evidence in accordance with the timetable. It is not anticipated that there will be any need for additional documents to be handed up during the Inquiry. You should review your cases promptly to ensure that is the case. However, if late evidence causes an adjournment, the submission of that evidence does bring with it a risk of a costs application, whether one is submitted or initiated, if that party's behaviour was unreasonable and led to unnecessary expense.

### Costs

20. There are no applications for an award of costs currently. If an application is to be made ahead of the Inquiry please do so in good time and in writing so that the other party can respond, if possible, in writing ahead of the event. However, the Inspector will facilitate oral submissions at the Inquiry and both parties will be given the chance to make an application should they wish at the Inquiry.

### Other

21. I would welcome any efforts by the main parties prior to the CMC to help focus on the main issues in dispute, to avoid overlap or repetition, to generally minimise delay, and to otherwise contribute to the efficient use of the time available.
22. The parties are requested to give the above careful consideration in advance of the discussion at the CMC. The attached Annex sets out the conference call etiquette and the preferred format and content of proofs and other material. Please ensure these points are observed.
23. The Council is asked to ensure that a copy of this pre-CMC note is made publicly available along with the other Inquiry documents.

*Andrew McGlone*

INSPECTOR

7 July 2025

---

## **Annex A**

### **Information Regarding Conference Call Etiquette**

- Each party should have a single spokesperson nominated to speak.
- The case officer will record the names of those present during the call for each party before the Inspector 'arrives'.
- Please make the case officer aware when joining if you intend to record the conference call.
- Background noise on a conference call can be an issue. You may want to consider putting yourself on mute and then un-muting yourself when you speak.
- Make sure that personal phones are kept away from any speaker phones in order to avoid potential issues.
- Know when, and when not to speak – when you're on a conference call, you can't see the body language of someone who is about to speak. No one likes being spoken over, so make sure you take note of your cues to speak and don't speak over (or louder) than the other participants on the call.
- The Inspector will lead the conference and will invite specific contributors to speak at particular times.
- The Inspector will 'arrive' last and leave first.

### **Content and Format of Proofs and Appendices**

#### 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 really necessary to make the case and avoid including unnecessary material, or duplicating material in other documents or another witness's 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.

---

Proofs **should not**:

- **Duplicate information already included in other Inquiry material.** So in respect of items such as the reasons for refusal, descriptions of the site and development and planning history, if they are described in a statement of comment ground, decision notice, committee report or application document, they should not be duplicated in a proof, with crossing referencing back to the source inquiry material; and
- **Recite at length 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 3000 words if possible. Where proofs are longer than 1500 words, summaries are to be submitted.
- Proofs are to be spiral bound or bound in such a way as to be easily opened and read.
- Appendices are to be bound separately.
- Appendices are to be indexed using **projecting tabs**, labelled and **fully paginated**.
- Electronic copies of proofs, summaries and appendices to be submitted to case officer at The Planning Inspectorate on the specified date.