

APPEAL REF: APP/F5540/X/25/3365277

The Firs Lodge, 289 – 291 Bath Road, Hounslow TW3 3DB

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.

Inquiry Case Management Summary Note

CMC held at 10:00 on Tuesday 8 July 2025 (Microsoft Teams)

Introductions

1. The case management conference was led by the Inquiry Inspector, Mr Andrew McGlone BSc, MCD, MRTPI.
2. Rikita Panesar, solicitor represented the Council. Michael Jones will represent the Council at the Inquiry.
3. Harley Ronan of Counsel represented the Appellant. Matthew Henderson will represent the Appellant at the Inquiry.
4. The purpose of the conference was to discuss the ongoing management of the case, not the merits of the parties' positions.

Inquiry format

5. The Inquiry is scheduled to sit for a single day, opening at 10.00am on Wednesday 3 September 2025, but the parties consider a reserve day would be a sensible programming step. I am available on 11 September or 16-18 September, though we may need to finish by 3pm (if 16-18 and in-person). I would expect to start at 9:30 if a subsequent day is required. The reserve day could be in-person and/or online. If we still need to hear witnesses after day 1 then the reserve day will need to be in-person.
6. Depending on our progress closings will either be heard in-person if the reserve day is used or online if it is not or the reserve day is fully utilised/there is inadequate time for the parties to prepare their closings. I am available for online closings on 12 and 15-19 September. The date will depend on when the reserve day is scheduled.
7. If there are any time constraints for any witnesses that might need to be catered for, please advise the case officer at the earliest opportunity.
8. The Council should confirm where the Inquiry will be held by the 15 July 2025. I understand retiring rooms for each party, and I are being provided.
9. Opening statements from each party should be no longer than 10 minutes.
10. Sessions at the Inquiry will last for about 1.5 hours with at least 15 minute breaks between, longer over lunch. There are likely to be two sessions in the morning and two in the afternoon.

Main issue

11. As a result of discussions at the CMC, the main issue for the appeal 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.

12. A further sub-main issue was discussed centring on whether, if the appellant was successful in demonstrating the use was established for a continuous period of 10 years for a period other than that between 16 September 2014 to 16 September 2024, whether that use has been subsequently abandoned.
13. To assist with ensuring Inquiry time is used effectively, the Appellant should confirm by 18 July 2025 the dates that the suggested continuous ten year periods relate to.

Witnesses and Inquiry Forms

14. The Council has confirmed the names of its two witnesses and anticipated time estimates.
15. The Appellant intends to call six witnesses. The names of those individuals and what matters they will cover should, along with anticipated time estimates, be provided on the Inquiry Form by 11 July 2025.
16. Both parties should ensure that witnesses do not duplicate their coverage of matters that are to be explored.

Dealing with the evidence

17. The Appellant wishes to update the plans considered by the Council. I understand that this to clarify room numbers, but the Appellant should summarise the changes in writing and provide copies of the amended plans by 11 July 2025 so that the parties can address the amended plans as part of the Statement of Common Ground (SoCG).
18. The Appellant confirmed that new booking evidence relating to No 291 in 2018 is to be submitted and that there are no objections to this being submitted in good time before Proofs are submitted so that the Council can consider the evidence and respond to it as part of its Proofs.
19. By 18 July 2025 the Appellant should provide an index setting out which supporting information relates to the relevant continuous ten year period that the appellant is putting forward. As part of this exercise, review the merits of the evidence remembering that the onus rests with the Appellant to demonstrate that the evidence supports the use subject of the application. Please group supporting information into categories for each relevant continuous ten year period. Please discuss this with the Council and share the final version so that everyone is then working with the same copy.
20. Under s193(4) an LDC may be issued under s191 for the whole or part of the land specified in the application. The Council confirmed that its case relates to both Nos 289 and 291, but I would like the parties to consider this point and review their cases in advance of the Inquiry, and whether or not, the evidence supports issuing an LDC for part of the property.
21. I expect detailed evidence on oath will be needed. This will be dealt with by formal examination of evidence.

Further work

22. The SoCG has not yet been submitted despite the extension of time. I

understand a draft was submitted and the Council has commented on this, but it is in everyone's interests that you seek to narrow the issues in dispute and make effective use of Inquiry time so please expedite your discussions, engage, and submit a signed agreed version. The SoCG can set out matters in agreement and those in disagreement with brief reasons why. This is to be done by 15 July 2025.

23. Going forward I expect everyone to adhere to the deadlines, so please ensure that you allow sufficient time before them to discuss matters if needs be and for revisions to be made. The onus rests with both parties to meet deadlines.

Core Documents

24. A Core Document list will need to be discussed and agreed in advance of preparing your Proofs so they can be properly referenced in them. The list should be comprehensive, and everyone is to work to the same system.
25. The agreed Core Documents list and documents should be sent electronically to the Planning Inspectorate at the same time as the Proofs. Please ensure everyone is working to the same system.
26. **Please ensure Core Documents:**
- a. comprise **only** those to which you will be referring to in your evidence, otherwise, do not include it.
 - b. group documents on a topic basis.
 - c. use a clear and simple referencing system.
 - d. do not duplicate the document within your Proof.
 - e. any appeal decisions and/or legal authorities are to be relied upon they are to be prefaced with a note explaining the relevance of the document to your case, the propositions on which you are seeking to rely, with the relevant paragraphs flagged up. Volumes of appeal decisions do not necessarily improve a point. Many are often not directly comparable. If there is no note, I will be asking for one to be provided or for the document to be removed.
27. The Council will take the lead on creating a website for all the Inquiry so that all the relevant documents are available in a single place digitally. Details of the website should be provided prior to the Inquiry opening.
28. It is expected that all necessary documents will have been submitted in advance of the Inquiry. Any additional documents can only be accepted to the Inquiry (and the Inquiry library) with the Inspector's permission.

Inquiry Running Order / Programme

29. On the first day, I will start the Inquiry with my opening comments. There will then be opening statements from the main parties: Appellant, then followed by the Council. These should be no longer than 10 minutes each.
30. The Inquiry will then hear from any interested parties who wish to speak.
31. The programme will be confirmed nearer to the time, but all of the Appellant's evidence will be heard first, followed by the Council's.
32. After hearing the evidence, closing submissions will be heard. The Council will go first, followed by the Appellant. I will need a copy of your openings

and closings in Word format, which will need to be sent to the PINS case officer before you present them. Adequate time will be provided for the preparation of closings.

Timetable for submissions

10 July	<ul style="list-style-type: none"> Both parties final comments
11 July	<ul style="list-style-type: none"> Appellant Inquiry Timetable Form, including list of witnesses Appellant amended plans and summary of changes Both parties confirm availability for reserve day/online closings
15 July	<ul style="list-style-type: none"> Statement of Common Ground Council confirms venue details for each sitting day
18 July	<ul style="list-style-type: none"> Appellant confirm relevant dates for continuous ten year periods Appellant provides new booking information relating to No 291. Appellant provide index of supporting information and if necessary updated bundles that relates to each continuous ten year period. Documents should be grouped according to their subject and personal information should be redacted.
6 August	<ul style="list-style-type: none"> All Proofs (including appendices and any summary PoEs) – see attached notes on their content and format Core documents list and electronic copies
19 August	<ul style="list-style-type: none"> Council's written application for an award of costs. Additional oral points can be made at the Inquiry. Council's notification of Inquiry – letters and press notice Appellant display of site notice
20 August	<ul style="list-style-type: none"> Any necessary rebuttals
21 August	<ul style="list-style-type: none"> Both parties confirm whether time estimates remain realistic, including adequate time for re-examination Details of website for Inquiry. Core documents and Inquiry documents ready on website
29 August	<ul style="list-style-type: none"> Appellant written response to Council's application for an award of costs. Additional oral points can be made at the Inquiry.

Other matters

33. I will advise the parties if I need any hard copies of any documents after the submission of Proofs. If any are needed please bring them to the Inquiry.
34. I am not encouraging the submission of supplementary or rebuttal proofs. I would hope these will not be necessary given the evidence thus far and the further work set out to be carried out before Proofs are submitted.
35. I will carry out a site visit during the Inquiry. A time and date for this will be arranged once the draft programme is prepared. It will be both accompanied to take in the site.
36. Any Costs Applications if not already submitted must be made before the close of the Inquiry. It would help programming if you could give notice of whether you intend to make an application for costs as early as possible.

Andrew McGlone

INSPECTOR

8 July 2025

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 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

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.