
Appeal Decision

Site visit made on 19 July 2016

by Antony Fussey JP BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 02 August 2016

Appeal Ref: APP/Z5060/C/15/3141314

12 Thames Road, Barking, IG11 0HZ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 ("the Act").
 - The appeal is made by Mr Jasdip Hare of Romasave Property Services Ltd against an enforcement notice issued by the Council of the London Borough of Barking & Dagenham
 - The Council's reference is 15/00392/NOPERM.
 - The notice was issued on 26 November 2015.
 - The breach of planning control as alleged in the notice is without planning permission, the change of use of the industrial unit to a place of worship (Class D1).
 - The requirements of the notice are to cease the use of the industrial unit as a place of worship and to remove all fixtures and fittings from the industrial unit that facilitate this use.
 - The period for compliance with the requirements is 1 month.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (e) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the Act as amended for the development already carried out, namely the use of the buildings at 12 Thames Road, Barking, IG11 0HZ, as shown on the plan attached to the notice, for a place of worship (Class D1) subject to the following conditions:
 - 1) The change of use hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The change of use hereby permitted shall not begin until a scheme for the parking of vehicles generated by the place of worship has been submitted to and approved in writing by the local planning authority. This shall include details of the layout of the parking area, its hours of use, and proposals for the management and stewarding of the parking area. The use of no part of the place of worship shall commence until all works which form part of the scheme have been completed. The parking of vehicles shall thereafter operate in accordance with the approved scheme.
 - 3) The change of use hereby permitted shall not begin until a scheme for protecting nearby dwellings from noise generated from the place of worship and its associated parking facilities has been submitted to and approved in writing by the local planning authority; all works which form part of the scheme shall be completed before the use of any part of the place of worship commences. The place of worship and its associated parking facilities shall thereafter operate in accordance with the approved scheme.

- 4) The change of use hereby permitted shall not begin until a travel plan has been submitted to and approved in writing by the local planning authority. The travel plan shall include measures to promote sustainable travel as well as targets and safeguards by which to continually monitor the success of the plan, and measures to be taken in default of agreed targets being met. The place of worship shall thereafter operate in accordance with the approved travel plan.
- 5) Should the local planning authority refuse to approve any of the schemes required by conditions 2, 3 or 4 above, or fail to give a decision within the prescribed period, no development shall commence until an appeal to the Secretary of State has been finally determined and the submitted scheme(s) shall have been approved by the Secretary of State, with or without modifications. In this event, the place of worship shall thereafter operate in accordance with the scheme(s) as approved by the Secretary of State.

Preliminary Matters

2. The Council's statement incorrectly identifies the appellants as the Victorious Pentecostal Assembly (VPA). However the actual appellants confirmed that the VPA were in occupation when the appeal was made.
3. I saw at my site visit that the notice had been complied with, as use of the building as a place of worship had ceased and most of the furnishings relating to that use had been removed. Nevertheless the appeal under ground (a) has not been withdrawn; the clear implication is that planning permission is being sought to lawfully re-commence the use alleged in the notice.
4. The appellants claim that the building was not an "industrial unit" as described on the enforcement notice, but that it had actually been in a variety of uses, including a retail warehouse and café. No further details were given of these uses, and the Council has not commented on the claim. However, the Ordnance Survey base plan accompanying the enforcement notice identifies the appeal building as a "factory". Moreover, the Council has provided a copy of a Planning Design and Access Statement (PDAS), dated December 2015, submitted to support an application by VPA to use the appeal property as a place of worship. The Council has given no details of this application's result, but the PDAS describes the previous use of the building as an "industrial warehouse". In these circumstances, I see no reason to vary the description of the unauthorised development from that given on the notice.
5. The Council's appeal statement listed a number of appendices, some of which were not attached to it. Indeed, 4 separate documents were all identified as "appendix 2". I refer to another omission under ground (e) below. There were attached to the statement the first 145 pages of the London Plan, but the enforcement notice cited none of its policies, and the statement only one. It did refer to a table in the London Plan, but this was in the part not provided.

Site Description

6. The appeal relates to a large unit on the southern side of Thames Road, on the eastern side of its junction with Crossness Road. The site is in an extensive area of varied commercial uses, involving a wide range of sizes of units and plots. I saw that they include transport depots, garage services, building supplies, engineering works, food and drink retailers or wholesalers, a solicitor's office and a large building advertising banqueting facilities. I also saw a significant number of vacant commercial premises being advertised to let or for sale close to the appeal site and on nearby roads.

7. A large building on the northern side of Thames Road at no. 21 was clearly identified as being used by VPA; the Council says that VPA also operate from nos. 14-16, immediately to the east of the appeal property, on the opposite side of Crossness Road. It also refers to a different place of worship occupying another large building at no. 24, a short distance further east.
8. The enforcement notice plan edged only the building in red, but it appears that a large car park to its south, which I saw was surfaced and marked out, was used to serve the place of worship. Adjoining the car park to its south is a group of new 3 and 4-storey flats, with balconies and main windows facing it. There is also new housing across the road from the flats.
9. The majority of the building is a large unbroken open space, at the northern end of which is the platform shown on the Council's photographs. There are entrances and reception areas at the building's northern and southern ends; also at each end are 2-storey sections containing offices, kitchens and toilets. There is also a crèche room in the southern part. I saw that some of the offices were partly furnished, but the building was mainly empty. The ground floor of the western end of the building's Thames Road frontage is occupied by the Brothers Café, which I saw was very busy. There did not appear to be access from it to the rest of the building.

The Appeal under Ground (e)

10. Section 172(2) of the Act provides that a copy of an enforcement notice shall be served on the owner and occupier of the land to which it relates, and on any other person having an interest in the land in question.
11. The appellants argue that the notice was not served on them at their registered address, so was invalid; the copy forwarded with the appeal was addressed to "The owner of 12 Thames Road". Information from Companies House supplied by the appellants shows their registered address as being on Regent Street, London W1. They say that they are in fact the long leaseholders of the appeal property, not its occupiers, while the Council itself is the freeholder. They only became aware of the notice when the property's occupiers gave them a copy.
12. The Council says that the notice was served on all those with a registered legal interest, and provided a list of them with its copy of the notice. This consists of 5 named individuals at VPA, Mr Mehmet Sogut (described as "Proprietor") at an address in London N3, the appellant company (also described as "Proprietor") whose address was given as the appeal property, and then both the "owner" and "occupier", at the same address. However, the Council's statement says that the property was operated and occupied by Heartwood Care Groups. If this is so, it has not explained why the notice was not served on this company.
13. The Council clearly needed to discover details of all those who should be served. Its statement says that it sought information from the Land Registry, which in my experience is a method frequently used in these situations. It says that details of the reply, of 21 April 2015 (over 7 months before the date of service), were attached to the statement - but they were not. The appendix which the Council said contained the reply was actually a report of a visit by an officer in response to a noise complaint. In the absence of this information, I cannot verify how the Council obtained the address it used to serve the notice on the appellants, or why it did not serve it at the registered address - which could have been obtained from Companies House. Nor has the Council

indicated why, if it owns the building and leases it to the appellant company, it did not obtain the correct address from its own records.

14. Be that as it may, the intention behind Section 172(2) is to ensure that all those with an interest in the land are aware of enforcement action being taken and that they are not deprived of their right of appeal. If there was indeed any failure of service, this clearly did not prevent the appellants from being able to effectively exercise their right of appeal. Accordingly any failure of service caused them no substantial prejudice, and I shall therefore use my power under Section 176(5) to disregard this failure. The appeal on ground (e) fails.

The Appeal under Ground (a)

15. The main issues under this ground are the effect of the change of use on a) the Strategic Industrial Area (SIA) within which the building lies; b) the character of the area; c) the living conditions of nearby residents and occupiers arising from noise and disturbance; and d) the ability of the local transport system to cope with the travel demand generated.

The Strategic Industrial Area

16. The Council did not provide the Proposals Map referred to in its first reason for serving the notice. The only indications of the SIA's extent given to me are some plans in introductory chapter of the recent London Riverside Opportunity Area Planning Framework (OAPF), showing the River Road Industrial Area. These plans are of very small scale, so I am unable to accurately identify the SIA's extent or the locations of the appeal property and other nearby buildings within it. Even so, I have no reason to disbelieve that the appeal site is within a SIA, and the appellants do not dispute this.
17. The Council's Core Strategy actually refers to Strategic Industrial Land (SIL) but I am not persuaded that there is a material difference between that and the SIA referred to in the notice, or the Strategic Industrial Locations in the London Plan. I do have some reservations, as the London Plan refers to SIL being given strategic protection because of its "relatively homogeneous character"; this part of Thames Road does not accord with this description.
18. The enforcement notice alleged a breach of Core Strategy policy CE4, but this appears to have been an error; the correct policy, cited in the Council's statement, is CE3. This safeguards SIL, and will not release land within it for other purposes which, although not defined, I take to refer to manufacturing industry. The Council's statement introduces London Plan policy 2.17, but does not provide the list of sites or the plans to which it refers. This policy has a wide definition of "industry" to include such uses as storage and distribution, logistics, and wholesale markets. However, whichever definition is appropriate, a place of worship would fall outside it, and be resisted under these policies.
19. As set out above, there is a variety of uses in the area, many of which would not accord with policies CE3 or 2.17. The Council has not said that any of them are unlawful and so it appears to me that these uses are part of the established character of this part of the SIA. Moreover, photographs attached to the Council's statement show signs on the front of the appeal building identifying it as a "cash and carry" for alcoholic and soft drinks operated by a firm called Gardner Shaw. These photographs were undated, but they appear in the same

- batch as some showing a VPA minibus on the car park; this indicates to me that they, and hence the cash and carry use, are relatively recent.
20. The Council has not described the planning status of the other 3 nearby buildings used as places of worship but it does not say that they are unauthorised, and so it is reasonable for me to assume that they have planning permission; the PDAS says that VPA have been on Thames Road since 2007. The existence of these uses in very close proximity to the appeal property indicates to me that the loss of industrial uses in the immediate area to places of worship has been found acceptable in terms of the SIA/SIL's aims.
21. The notice was issued after the OAPF was adopted, but did not refer to it. However the Council's statement cited it, explaining that the appeal property is on part of Thames Road where underused SIL would be released to provide new homes, although potential Housing Zones could include employment. The small scale map provided to me identifies part of Thames Road as "SIL release to housing". The Council's stance seems to have materially changed since the notice was issued, now arguing that use of the building as a place of worship would harm the release of the land for housing, although it has not withdrawn and re-issued the notice to make this point. I am hampered in my assessment of it by the omission of the OAPF's chapter on land use, which I assume would address the matter of existing uses in some detail. However what is clear is that the provisions of the OAPF in relation to this part of Thames Road will supersede policy CE3's protection of industrial and other uses along the road.
22. The notice alleges a conflict with neighbouring employment uses, but the Council has neither explained this contention or given evidence of any such conflict which has actually occurred and so justified this reason for enforcement action. Moreover, the Council informed many nearby businesses of the appeal, but there have been no representations from anyone who was notified. Had there been any conflict, I would have expected those affected to support the Council's point with firm evidence. Indeed the Council agrees that the main periods when the church is used are outside normal business hours. In any event, if traffic movements were demonstrated as causing conflict with industrial traffic, then a condition could control hours of use to minimise such a conflict. Alternatively, if the Council's concern over conflict is one of noise and disturbance, I address this below. I am not therefore persuaded that there is any evidence of conflict with other business uses.
23. The notice alleges a loss of employment uses. The Council says that the appellants have not provided evidence to back up their view that no more than 12 people were employed in the building in the 5 years before it became vacant in late 2013, but it provided no counter evidence. Without it I have no reason to disbelieve the appellants. They say that VPA employed 20 full time and voluntary staff, which is intended to rise to 30-35. In addition they propose to operate a crèche for up to 100 children, employing 12 staff. I am not convinced that there would be additional employment in the offices, but if they were to be used independently of the church, the notice's requirements would not prevent this. Nor do they affect the café, which seems to be separate from VPA, and certainly predates its occupation, as the café is shown in the photographs which also showed the cash and carry.
24. In any event I have no reason to doubt that the building's use as a church would generate significant employment, more than the previous use. This

would actually accord with local and national policies to promote employment. Moreover, it seems to me that VPA's established community activities, such as young peoples' work, as well as the proposed crèche, would be an asset which would positively benefit nearby existing and proposed housing areas. This would accord with development plan policy CC2 to promote community services and also facilitate the creation and consolidation of a community in the OAPF's new housing area.

25. The National Planning Policy Framework says that employment sites should not be given long-term protection where there is no reasonable prospect of use for that purpose. Leaving aside the point that a form of employment use is envisaged to continue, the appellants have said that the property has been marketed unsuccessfully. However I would have expected some indications from them of how this was done, and the responses received.
26. Even so, there is no challenge to the appellants' claim that the building became vacant in late 2013. The first evidence of use by VPA was in June 2015. The Council has not disputed that there was a long period of vacancy; as empty industrial premises, including warehouses are exempt from business rates for the first 6 months, the Council would have been able to use its own records to disprove any claim of vacancy if there had been none. I appreciate the difficulty of finding a user for such a large building, and I note that many far smaller units are vacant in the same commercial area.
27. In my opinion it is more than likely that there was not a reasonable prospect of use by policy-compliant industry before VPA occupied the building. This, as well as the presence of a large number of uses in the area which do not accord with those promoted in an SIA, the acceptance of 3 similar uses very close by, and the OAPF's proposed change to the SIA/SIL, lead me to the view that, in principle, the use as a place of worship would not materially affect the SIA's aims. It would not unacceptably breach the development plan in this regard.

The Character of the Area

28. As described above, there are 3 other places of worship in nearby large buildings of industrial appearance; I have no evidence that the Council did not find these acceptable. They are therefore an element in the character of the immediate vicinity and so to my mind it is clearly incorrect to argue that the use under appeal fails to respond to this character or to create a sense of local identity, distinctiveness or place. It rather accords with this aspect of the area's character and does not therefore breach policy BP8 of the Council's Development Plan Document.

Living Conditions

29. The reasons for serving the notice allege that the development does not ensure that existing and future occupiers are not exposed to unacceptable levels of pollution and general disturbance. The only source specified in the notice is "such activities as traffic movements to, from and within the site". The notice's plan only outlines the building, but I assume that "within the site" in this context refers to the car park. The Council's statement goes beyond the notice by extending the alleged source to include music from inside the building.
30. Given the proximity of flats to the car park and to the southern entrance to the building. I would have expected representations from their residents if they

had experienced any adverse effects, but none were received. Indeed, the Council did not find it necessary to notify any residents about the appeal.

31. The notice elsewhere alleges that there is insufficient capacity “to allow for the travel that has been generated”. The use of this phrase indicates to me that the Council must have quantified “the travel that has been generated” and has then assessed its impact on the living conditions of nearby residents. However, there is no evidence that this has actually been done. Given that the use was in operation for at least some months, I would have expected a comprehensive diary to set out the adverse effects from traffic movements – but none has been provided. In addition, although the PDAS says that VPA have operated on Thames Road since 2007, and the Council recognises that there is a concentration of similar uses in the immediate vicinity, it has given no evidence whatsoever of any harmful impact caused by these other places of worship.
32. The Council has given details of an officer’s visit at 23.30 hours on 26 June 2015 following a complaint of excessive noise from a public address system, when he saw some 400 people inside. At a result of his approach, the church’s stewards lowered shutters at the entrance, “which vastly reduced the noise”; this does not indicate to me an inevitable problem, but rather a willingness by those responsible to address problems when drawn to their attention. The Council’s statement referred to a further visit on 2 October, when the use of an amplified sound system had caused a statutory nuisance; however it gave no details of the circumstances or of any remediation.
33. The PDAS says that VPA are keen to incorporate adequate sound proofing; it seems from the above that they also recognise that appropriate management can mitigate problems. The Council says that no details of the measures were provided, but it is my experience in such circumstances that a condition requiring a sound attenuation scheme is usually imposed. This could extend to the use and management of the car park. I endorse the Council’s reservations about the proposed row of trees near the flats – they would take time to mature and in any event such a small area would not effectively attenuate noise beyond the psychological impact of screening views of the car park.
34. Thames Road is clearly a long established industrial area, with older housing adjoining to the north and newer to the south. The existing uses will create a level of noise and disturbance, as will the resumption of the industrial use of the appeal building which the notice envisages. However I am not aware that any nearby uses have restrictions on their hours of use or on noise generated.
35. The Council’s statement introduces policy BP11, which seeks to “maintain residential amenity” in terms of urban design. There is no indication in the policy’s reasoned justification that this aim refers to noise or any other form of pollution. Moreover, measures taken to reduce noise and mitigate its impact would accord with policy BR13. In the above circumstances, I consider that the living conditions of nearby residents can be adequately safeguarded by imposing an appropriate condition, and that there would not then be a breach of policy BP8 in this context, as alleged by the enforcement notice.

Transport System

36. I refer above to the lack of evidence to support the Council’s reference to “travel which has been generated”. It also seems to me that it wrongly assumes that the church’s claimed 8,000 members will all attend a service at

the same time. The figures on the application plans provided by the Council have poor resolution, but appear to show the floorspace of the worship area, less the internal offices at the southern end, as some 3,000 sq metres. With an allowance for circulation space and the platform at the front, it seems to me that this space would enable seating for substantially less than 8,000 people. The Council's only observed attendance is some 400 people and it seems to me that it has not assessed the building's capacity; its estimations and the conclusions it draws from them are therefore in my opinion seriously flawed.

37. The Council says that the appellants have not provided details of parking to demonstrate that the use operates when traffic nearby is lighter, but it has provided none itself to support its concerns. Indeed, its statement says "it is generally accepted the church is likely to operate largely on weekends with some events held on weekday evenings, and that associated industrial traffic is likely to be lighter along Thames Road during these periods". I consider that any overflow parking from the car park, if it occurs at all, would not have a material impact on other nearby uses at such off-peak times.
38. The enforcement notice claims that the area has a "low PTAL rating of 1b/1a", but the statement refers to 1b. This term is not explained but I take it to mean a Public Transport Accessibility Level, where either of the quoted figures would denote very poor public transport provision. From this the Council concludes that the use would not encourage a shift from the private car.
39. It has not explained how and when this figure was arrived at. I saw that the 387 bus stops a few metres from the site; displayed timetables show that its frequency is some 10 to 13 minutes during the daytime, except on Sundays when it is every half hour up to 1100 hours and thereafter about every 20 minutes. However Bastable Avenue, 5 minutes' walk to the north, has 2 routes (the EL1 and EL2), one of which runs 24 hours a day. The frequency of each is about 5 to 10 minutes during the daytime and every 10 to 15 minutes on Sundays. This does not appear to me to show poor public transport provision and I note that the PDAS says that the church has 4 large buses and 3 minibuses, which pick up users at Barking and Dagenham Docks stations. Moreover the OAPF promotes a new station at Barking Riverside and improved bus connectivity; these would encourage alternatives to the private car.
40. The PDAS says that less than 25% of the congregation travel by car. The December 2015 application plan refers to 125 spaces in the rear car park, and shows 18 in front. I note the reference to about 30 at nos. 12-14, and there also seems to be available space behind no. 21. No evidence was provided to me to support the Council's concerns that the car park is too small, and so causes on-street parking. Nor is there any evidence that, if this does occur (in an area where there are no on-street parking restrictions) an unacceptable level of conflict with other users is then produced. In addition I have been given no evidence of any such conflict caused by the other nearby large places of worship. Nor is there any comparison of the effects of parking generated by a lawful use of the building. I also note that VPA has 6 parking marshals, and propose to seek parking restrictions around the junction. In my opinion this shows a commendable willingness to address any conflicts which may arise.
41. The Council's statement introduces alleged deficiencies in the car park, concerning the size of disabled spaces, the amount of cycle parking and where the VPA buses park. These matters did not appear in the enforcement notice

(and involve land outside the area subject to it) but it seems to me that they can be adequately addressed by a condition to control the car park's layout.

42. The statement says that VPA cannot control arrivals by car. This may be so in absolute terms, but travel plans are recognised methods of discouraging use of private cars by promoting alternatives; it seems to me that a condition to require one, with appropriate monitoring, would further this aim. Indeed policy BR10 promotes travel plans where transport implications would be significant.
43. The Council's statement cites policy BR9, but I was not supplied with its text. I consider that, with appropriate conditions, the appeal development would encourage modal shift away from the private car and would not adversely affect the area's transport system. It would then accord with policy BR10.

Other Matters

44. The second reason for serving the enforcement notice relates to the site's proximity to a hazardous site, within its consultation distance, so making the use unacceptable on safety grounds and breaching policy BR10. However the Council's statement makes no reference to this matter, let alone identifies the hazardous site in question. Nor does it explain why a consultation distance is regarded as preventing development rather than, as the term implies, being a means of initiating consultations, which may result in a range of replies from complete opposition, to recommended conditions, or even no objections. Moreover, there are other forms of development in the immediate vicinity, including housing, places of worship and many commercial premises, which would also be endangered, as would the OAPF's proposed housing. In the absence of any details of the alleged hazard and its location, it seems to me that this objection shows inconsistency. I cannot give this matter any weight.
45. The appellants confirmed that VPA were using the building when the appeal was submitted in December 2015, and the visits of Council officers show that this use was occurring at least as far back as that June 2015. It therefore appears that VPA's claims in November that the use had not begun were incorrect. The Council provided a list of applications submitted by VPA in the vicinity; although it gave no further details of them, such as their subjects, sites and results, I agree that this shows that VPA are familiar with the planning system and the need to seek planning permission. I am therefore satisfied that beginning the use of the appeal property without permission was deliberate and not inadvertent.
46. This appeal is therefore subject to a DCLG statement of August 2015 on intentional unauthorised development which makes it a material consideration to be weighed in the determination of planning applications and appeals. The government is particularly concerned about harm caused by such development in the Green Belt, and the statement was written in the context of high profile travellers' sites and of concealed developments in the Green Belt. Nevertheless it relates to all types of deliberate unauthorised development. It does not say that this in itself justifies refusal, but it is added to the balance. The fact that the use under appeal falls within this category weighs against it.
47. The Council's appeal questionnaire was accompanied by Supplementary Planning Guidance (SPG) in the form of a Planning Advice Note on religious meeting places, although this was not mentioned in its appeal statement or cited in the enforcement notice. The SPG accepts that these uses can be

located in designated employment areas provided that there is enough on-site parking to meet demands, and that there are no conflicts with the operation of existing businesses. I have addressed these matters above.

48. The SPG requires a building to have been unused for at least 12 months and marketed during that time; the Council has not challenged the claimed period of vacancy and supplied no evidence to dispute the appellants' claim of marketing during this period. The SPG says that vacant floorspace should not as a result of a change of use fall below 8%, but I have been provided with no evidence on this point.
49. It proposes that such uses are located away from residential areas if possible, but says that insulating buildings can reduce noise impact. It also promotes travel plans to reduce reliance on private cars; I have addressed these points. It envisages a possible temporary permission to assess a use's impact, but as this use had already begun, the Council had an opportunity. It gave details of only 2 adverse impacts - which can be addressed by a condition requiring noise attenuation; a temporary permission is therefore unnecessary.
50. The PDAS says that the appeal property is within one of the SPG's preferred locations; this was not shown in the copy supplied to me, but the Council has not challenged this part of the PDAS. It seems to me that the SPG's tests have been met and that the use of the appeal property as a church accords with it.
51. The Council's statement complains that there are no plans of the offices or toilets in the building and concludes that their provision is inadequate. However these matters are neither mentioned in the enforcement notice nor are matters for planning control.

Conclusions on Ground (a)

52. From the above, and balancing all the matters raised, I find that, subject to appropriate conditions, the resumption of the appeal building's use as a church would not harm the aims of the SIA, the character of the area, the living conditions of nearby residents and occupiers, or the ability of the local transport system to cope with the travel demand generated. I shall therefore allow the appeal.
53. The Council suggested no conditions. I shall impose those outlined above, to enable control of parking and noise generation, and to require the submission and implementation of a travel plan. As the use has ceased, it is appropriate to impose the normal commencement condition, but with this being prevented until the various other conditions have been complied with. There will be a provision for an appeal if the various schemes are not approved by the Council. I see no need to make the permission personal to VPA. Nor shall I require the use to revert to retail if they do not, or cease to, occupy the building, as I have no evidence that this was in fact its last lawful use.

Overall Conclusions

54. For the reasons given above I conclude that the appeal should succeed on ground (a) and planning permission will be granted.

Antony Fussey

INSPECTOR