

Appeal Decisions

Hearing held and site visit made on 12 July 2017

by Tim Belcher FCII, LLB (Hons), Solicitor (Non-Practising)

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

Decision date: 28 July 2017

Appeal A - Ref: APP/Y9507/C/16/3160807

Part of Old Hearne Farm, Jays Lane, Lurgashall, Haslemere, GU27 3BL

- 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 1990 Act").
- The appeal is made by Dr Anthony Klein ("the Appellant") against an Enforcement Notice issued by the South Downs National Park Authority ("the NPA").
- The Enforcement Notice, numbered SDNP/15/00361/COU, was issued on 16 September 2016.
- The breach of planning control as alleged in the Enforcement Notice is without planning permission, the erection of a building and laying of a stone pavement in the approximate positions shown on the plan attached to the Enforcement Notice.
- The requirements of the Enforcement Notice are: (i) Demolish the said building; (ii) Break up and remove the stone pavement; and (iii) Remove the debris resulting from compliance with (i) and (ii) above from the land.
- The period for compliance with the requirements is six months.
- The appeal is proceeding on the ground set out in Section 174(2)(f) of the 1990 Act.

Summary of Decision: Appeal withdrawn.

Appeal B - Ref: APP/Y9507/W/16/3164171

Part of Old Hearne Farm, Jays Lane, Lurgashall, Haslemere, GU27 3BL

- The appeal is made under Section 78 of the 1990 Act against a refusal to grant planning permission.
- The appeal is made by the Appellant against the decision of the NPA.
- The application Ref SDNP/16/04559/FUL, dated 13 September 2016, was refused by notice dated 4 November 2016.
- The development proposed is the retention of the east barn and its immediate surroundings for mixed agricultural and equestrian purposes.

Summary of Decision: Conditional planning permission granted in the terms set out in the Forma Decision below.

Application for costs – Appeals A & B

1. At the Hearing an application for costs was made by the Appellant against the NPA. This application will be the subject of a separate Decision.

Procedural Matters – Appeals A & B

2. The Appellant explained that what was described in the Enforcement Notice as a "stone" pavement was in fact made of concrete. I do not consider that the Enforcement Notice needs to be corrected as this is a minor error and both the NPA and the Appellant are fully aware of what is required by the Enforcement Notice.
3. The appeal against the Enforcement Notice was withdrawn during the Hearing.

4. The land at Old Hearne Farm comprises about 34 hectares of land. About 28 hectares is pasture and 6 hectares are woodland. Old Hearne Farm falls within the South Downs National Park ("the National Park"). The NPA became the Local Planning Authority for the National Park in April 2011. Chichester District Council ("the Council") acts as the NPA's agent regarding the NPA's planning functions.
5. It was agreed between the parties that the permission sought by Appeal B did not amount to a major development in the National Park.

Background Matters – Appeals A & B

6. In my Appeal Decision I will refer to:
 - a) The building for which permission is sought as "the East Barn".
 - b) The land and buildings shown edged red on the plan attached to the Enforcement Notice as "the Appeal Site".
 - c) The land and buildings shown edged blue on Drawing No. SDNP/CHI/226/IE/004¹ (which includes the Appeal Site) as "Old Hearne Farm".
 - d) The approved outdoor arena² which is within the Appeal Site as "the Arena".
 - e) The barn shown edged in black on Drawing No. SDNP/CHI/226/IE/002B as "the West Barn" and "the Link Building".
7. In April 2000 planning permission was granted for the erection of a domestic equestrian centre comprising 16 stables; ancillary grooms' accommodation, covered riding area, hay and straw barn together with associated works³ ("the 2000 Planning Permission"). The 2000 Planning Permission was not implemented.
8. In May 2005 the 2000 Planning Permission was renewed⁴ ("the 2005 Planning Permission"). The 2005 Planning Permission was not implemented.
9. By 2007 the Appellant had decided that the development proposed by the 2005 Planning Permission was too large for his needs. One of the reasons for making this decision was because the Appellant did not want to fill-in and build-over the former slurry ponds but wanted to transform them into a wildfowl habitat.
10. In January 2008 planning permission was granted for a mixed agricultural and equestrian development consisting of a stock building, 10 loose boxes, a tractor barn, two storage barns and ancillary feed store, office and mess room⁵ ("the 2008 Planning Permission"). The 2008 Planning Permission would have been built on the Appeal Site. Condition 14 of the 2008 Planning Permission explains that it is an exclusive alternative to, and not additional to, the

¹ Dated 06/04/2016

² Document 3

³ Document 4

⁴ Reference 05/01150/FUL

⁵ Reference LG/07/05852

- development granted by the 2005 Planning Permission. The 2008 Planning Permission was not implemented.
11. The barns that were approved by the 2008 Planning Permission were of a style described as "Sussex Barns".
 12. The 2008 Planning Permission also identified east and west barns and a link building which together formed a "U" shape configuration. The 2008 planning permission explains that the Council⁶ had considered the Development Plan⁷ and concluded, amongst other things, that the proposed development would not cause demonstrable harm to the character and appearance of the locality.
 13. During 2009 the West Barn and Link Building were erected. Neither were fully built in accordance with the 2008 Planning Permission. The floor area, width and height of the West Barn are less than that approved by the 2008 Planning Permission but the length is greater. The width and height of the Link Building are less than 2008 Planning Permission but the floor area and length are greater.
 14. In May 2009 a lease was agreed between the Appellant and a tenant to use part of the Appeal Site for equestrian purposes. I will refer to the tenant⁸ as "the Equestrian Tenant". The Equestrian Tenant took over the use of the West Barn and Link Building in connection with the equestrian use. The West Barn and a marquee within the adjoining yard were used on one occasion as a venue for the wedding reception of the then Equestrian Tenant. No charge was levied by the Appellant for this use. The marquee was used the next day by the Appellant as a venue for a musical event to raise money for the Cystic Fibrosis Trust.
 15. In the spring of 2015 work on the East Barn commenced and the East Barn was substantially complete by the early summer of 2015. The Appellant had, prior to the commencement of work on the East Barn, been trained in traditional oak framed construction techniques and he personally wanted to be involved in the construction of the East Barn. He was part of the team that erected the East Barn.
 16. In July 2015 the Appellant hosted another charity event for the Cystic Fibrosis Trust but this time in the East Barn. In September 2015 the East Barn was used by one of the Appellant's friends as a venue for their 50th birthday party celebration. No charges were levied for the use of the East Barn by the Appellant. The Appellant claims that he has never advertised the East Barn as a venue at which celebratory functions can be held and there is no evidence before me that he has. It is agreed that there have been no other "events" held in the East Barn since those mentioned above.
 17. The NPA received complaints about these events and Council Officers inspected the Appeal Site and noted differences between what had been built at the Appeal Site and the 2008 Planning Permission.
 18. In February 2016 the NPA granted a Certificate of Lawful Use or Development⁹ for the erection of the West Barn and Link Building. Accordingly, those

⁶ The Local Planning Authority at the time the 2008 Planning Permission was granted

⁷ The Development Plan included the Chichester District Local Plan First Review 1999

⁸ There have been changes of tenant.

⁹ Document 8

buildings are lawful and have been used for equestrian purposes by the Equestrian Tenant.

Policy

19. The Development Plan for the area includes the saved policies of the Chichester District Local Plan First Review 1999 ("the Local Plan"). I was referred to saved Policies RE1, RE4, RE12, R6, BE11, BE12 and B5.
20. I was also referred to parts of the:
 - a) English National Parks and the Broads - UK Government Vision & Circular 2010.
 - b) National Planning Policy Framework ("the NPPF").
 - c) National Planning Practice Guidance.
21. I handed a document out at the Hearing entitled, "Policy Referred to During the Appeal"¹⁰. This document lists the parts of the documents referred to in paragraph 20 above to which I was referred.
22. I was also referred to other documents but was not provided with copies. These are also listed in Document 11. Neither party considered it was necessary for me to have copies of these documents.
23. There are no Local Plan policies relating to development in the National Park because the National Park did not exist when the Local Plan was adopted. The NPPF explains that great weight should be given to conserving landscape and scenic beauty in National Parks which, along with other specified areas have the highest status of protection in relation to landscape and scenic beauty.
24. The purposes of National Parks are set out in the Environment Act 1995. These purposes include:
 - a) Conserving and enhancing the natural beauty of the National Parks, and
 - b) Promoting opportunities for the understanding and enjoyment of the special qualities of the National Parks by the public.
25. The Local Plan explains that:
 - a) New development must not detract from its surroundings.
 - b) Additions, which require planning permission, will be required to meet appropriate standards of design, construction and layout.
 - c) Proposals for the development of, or associated with, equestrian facilities will be permitted provided that it can be shown to the satisfaction of the planning authority that it would not conflict with the environment policies of the Local Plan including adversely affecting the quality and character of the landscape.
26. I have been referred to Policy B5 of the Local Plan but this applies to business, industry and warehousing buildings in rural areas. The proposal relates to the East Barn which is to be used for agriculture and equestrian uses.

¹⁰ Document 11

Reasons – Appeal B

Is there an agricultural/equestrian need for the East Barn?

27. Old Hearne Farm is used for the following purposes:

- a) Equestrian uses by the Equestrian Tenant.
- b) Forestry uses by the Appellant. This involves the coppicing of woodland within Old Hearne Farm. The coppiced wood is used for fencing and the on-going need to replace fencing at Old Hearne Farm.
- c) Grazing of approximately 16 to 18 cattle during part of the year and the grazing of about 60 sheep during other parts of the year.
- d) The growing of a hay crop.
- e) The grazing of land by horses.

28. The Appellant derives an income from rent paid by the Equestrian Tenant and the owners of the sheep, cattle and horses that graze the land at Old Hearne Farm. Whilst the Appellant is not the owner of the sheep and cattle this does not mean that grazing by these animals on his land at Old Hearne Farm is not an agricultural use.

29. I also know that a hay crop is taken off some of the fields at Old Hearne Farm by a contractor. The Appellant retains a proportion of the hay crop. The contractor keeps the remainder in lieu of payment or pays a reduced amount for the crop to reflect his harvesting role. Again, I consider this to be an agricultural use of Old Hearne Farm.

30. The use of some of the fields within Old Hearne Farm for grazing by livestock is rotated during the year and from year to year.

31. It was clear to me that the Appellant wants his agricultural holding at Old Hearne Farm to be farmed using environmentally sound practices. The Appellant is actively involved in the on-going maintenance work at Old Hearne Farm including the rotational coppicing of the woodlands and general land management.

32. I inspected the East Barn and noted that the vast majority of the floor space within the ground floor area was being used for the storage of, amongst other things, drainage pipes, drums containing various liquids, fencing posts and rails, bedding for horses, jumps and other paraphernalia used by the Chiddingfold Pony Club, cables for electric fences used at Old Hearne Farm, water troughs and other drinking apparatus for horses and cattle, fox traps, a leaf blower/sucker, a brush cutter, water tanks, a back-bag sprayer, a high pressure washer, a log splitter, and a trailer mainly used for moving wood, equipment and materials between the woodlands and other parts of Old Hearne Farm.

33. I also saw that there were three tractors used on Old Hearne Farm which are currently being kept near the Farm House at Old Hearne Farm. They were kept close to the Farm House because the Appellant considered this to be the most secure location for these items as he has suffered five major losses of equipment etc. from thefts during the past ten years.

34. I also noted that the Appellant's intention is to store a greater proportion of the hay crop which is currently taken off Old Hearne Farm within the East Barn. Currently, a small proportion of hay is kept within an open bay store (again near the Farm House). This is somewhat inconvenient because the Appellant's wife has to manhandle the hay into position whereas she explained that she will be able to store the hay and access it with greater ease once it is kept within the East Barn. I was shown an area where the hay crop would be stored within the East Barn. The Appellant explained that it is his intention to keep far more hay than he currently does because he will be able to sell this to the Equestrian Tenant who currently has to buy his hay from outside suppliers.
35. Council Officers are sceptical about the use of the East Barn for hay storage because of the roof-lights which are inserted within the East Barn and the lack of natural ventilation. The Appellant explained that he was willing to remove the roof-lights and that there were ventilation slits built into the East Barn which were openable using internal paddles.
36. There is also a galleried area within the East Barn ("the Gallery"). Council Officers considered that this restricted the usability of the East Barn. The Appellant explained that part of the Gallery was to be removed and that a spiral staircase used to reach that part of the Gallery was also to be removed. This would allow hay and horse bedding to be stored within the East Barn to a significant height thus improving the usability and flexibility of the East Barn.
37. The NPA are also concerned that part of the Gallery within the East Barn is being used as a Farm Office. I was advised that the Farm Office was being used by the Appellant and could also be used by the Equestrian Tenant. The Equestrian Tenant does not have any office space within the West Barn or the Link Building. I am aware that the Farm Office is a relatively large area but it is commonplace and necessary for farms to have ancillary office space. The Appellant has, in the past, used part of the residential Farm House as his office but he explained that it makes better sense to have the Farm Office in the East Barn as this provides surveillance over this part of Old Hearne Farm where the majority of buildings are located and he also has access to the internet within the East Barn which is not available and cannot be secured within the Farm House. There is adjoining the Farm Office a WC and tea room. Whilst these services exist on the ground floor it makes sense that such facilities are on hand for people working in the Farm Office.
38. I am also aware of claims made that the Farm Office has, in the past, been used by a third party. The Appellant explained that the Farm Office was used for a short time by persons who were testing security equipment that could be used at Old Hearne Farm.
39. The NPA raised issues about the utility/washing area ("the Utility Area") and the provision of three WCs on the ground floor of the East Barn. The Appellant explained that the Utility Area and the WC facilities would be used by the Equestrian Tenant, visitors to Old Hearne Farm and also by the children from the Chiddingfold Pony Club when they were at the Appeal Site. I also noted that part of the Gallery was used for the drying out of horse rugs etc. When part of the Gallery has been removed the horse rugs could be dried in the Utility Area. Further, the Appellant explained that he proposed to remove one of the WCs to address the NPA's concerns regarding this.

40. Whilst Council Officers suggested that they had never previously seen the East Barn used at the storage levels that I saw there was nothing to suggest to me that the storage uses were not legitimate or necessary for the proper running of Old Hearne Farm.
41. I am aware of the use of part of the East Barn is by Chiddingfold Pony Club. Again no charge is levied by the Appellant for this use. Chiddingfold Pony Club uses the East Barn for dry storage of jumps and their camping equipment. Prior to the construction of the East Barn these items were kept in a dilapidated caravan at Old Hearne Farm.
42. I understand that Chiddingfold Pony Club:
- a) Utilise the Arena by holding riding lessons for children at Old Hearne Farm mainly at weekends during the winter months.
 - b) Hold a one week summer camp at Old Hearne Farm.
 - c) Have been using Old Hearne Farm for at least the past ten years without complaint from local residents.
 - d) Would cease to exist without the use of Old Hearne Farm because there is no other land available to a meet their equestrian needs.
43. I consider that the use of part of Old Hearne Farm by children from the Chiddingfold Pony Club conserves the natural beauty of the National Park given that the jumps etc. when not in use are stored within the East Barn and their use of Old Hearne Farm promotes opportunities for the understanding and enjoyment of the special qualities of the National Park.
44. Finally, I am aware that the East Barn has cavity walls. The Appellant explained that this provides for a stronger building. The fact that it has cavity walls does not prevent its use for what is proposed by the appeal application.
45. I therefore conclude, on the basis of the evidence before me, that there is an agricultural/equestrian need for the East Barn. I do not find any conflict with the Local Plan, the NPPF or the purposes of designation of the National Park regarding this issue.

Would the East Barn and its surroundings fail to conserve the landscape and scenic beauty of this part of the National Park?

46. The Appellant has proposed making the following external changes to the East Barn:
- a) Removing the roof-lights.
 - b) Removing the pavement, the area of lawn and the pergola in front of the East Barn.
 - c) Removing the glazing above the main entrance to the East Barn and cladding the area with timber.
47. The NPA raised the following additional concerns:

- a) The first floor window¹¹, the ground floor windows and the doors in the south-east elevation.
- b) The use of modern bricks in the external walls.

The South-East Elevation

- 48. The Appellant explained that it would be possible to provide shutters to the first floor window when the Farm Office was not being used. This would be an alteration to the East Barn that could be secured by condition and would, in my assessment, improve the appearance this part of the East Barn.
- 49. As regards the ground floor windows these serve the Utility Area and the ground floor WCs.
- 50. The south-east elevation is largely hidden from view even for visitors coming to the Appeal Site. There are no public vantage-points to which I was referred from where the ground floor of the south-east elevation could be seen. I do not consider that any alterations need to be made to the ground floor windows and doors in the south-east elevation.
- 51. As regards the use of brick in the external walls I note that brick has been used, albeit to a lesser extent, in the external walls of the West Barn. I also noted that the use of brick is rural agricultural/equestrian buildings in the area is not uncommon. I do not consider that any harm arises from the use of brick in the external walls of the East Barn in the context of the East Barn, its surroundings and the limited views of the East Barn from public vantage-points.
- 52. I therefore conclude that the external appearance of the East Barn conserves the landscape and scenic beauty of this part of the National Park. Accordingly, there is no conflict with the Local Plan or the NPPF or the purposes of designation of the National Park.

Other Matters

- 53. The NPA mistakenly believed that the East Barn had been fitted out with a sprinkler system. It was clear from my site visit that it had not.
- 54. I am aware that the East Barn does not provide the same flexibility as a large modern agricultural shed might do. However, this is not what the Appellant wants and, in my assessment, such a building would be out of place in the context of Old Hearne Farm and the surrounding area. Further, the 2008 Planning Permission proposed barns to be built in the style of Sussex Barns.
- 55. It was clear from my site visit to Old Hearne Farm that there are no other buildings which could accommodate the equestrian and agricultural storage needs which are provided by the East Barn.
- 56. I have noted the concern raised that the East Barn could be used residentially. This is not what is proposed by this application.

¹¹ This window lights the Farm Office

Conditions

57. I have had regard to the conditions that were proposed by the Appellant and the NPA. These were sent to the Planning Inspectorate under cover of an e-mail dated 27 July 2017¹².

58. I have imposed:

- a) Conditions 1, 2, 4 and 8 so as to control the future use of, or physical alterations to, the East Barn and the Farm Office therein. The uses allowed reflect the reasons why the East Barn has been permitted in the National Park at Old Hearne Farm. Future internal and external alterations to the East Barn should be controlled so as to ensure that the permitted use can functionally be carried out within the East Barn and so as to protect the character and appearance of the East Barn and its impact on the surrounding National Park.
- b) Condition 3 is to secure changes to the East Barn which are agreed between the main parties and which in my opinion are necessary to ensure that the East Barn functions as an agricultural/equestrian storage building.
- c) Conditions 5 and 6 to ensure that the alterations made to the East Barn use matching materials or materials approved in writing by the Local Planning Authority. This will ensure that the East Barn conserves the natural beauty of the National Park.
- d) Condition 7 seeks to control existing or additional external lighting on the East Barn. This will ensure that the East Barn conserves the natural beauty of the National Park.

59. I have not imposed:

- a) A landscaping condition because I do not consider that it is necessary in this case.
- b) A condition requiring the ground floor windows and one of the ground floor doors in the south-east elevation of the East Barn to be removed. This is because I do not consider, for the reasons explained above, that they harm the character or appearance of the National Park. I have, however, imposed a condition which prohibits any further doors or windows being added to the East Barn without the prior written consent of the NPA.

Overall Conclusions – Appeal B

60. For the reasons given above I conclude that the appeal should be allowed.

Formal Decision – Appeal A

61. The appeal against the Enforcement Notice was withdrawn by the Appellant at the Hearing.

¹² Document 11

Formal Decision – Appeal B

62. The appeal is allowed and planning permission is granted for the East Barn for mixed agricultural and equestrian purposes at Old Hearne Farm, Jays Lane, Lurgashall, Haslemere, GU27 3BL in accordance with the terms of the application, Ref SDNP/16/04559/FUL, dated 13 September 2016, and the plans submitted with it, subject to the following conditions:

1. The East Barn hereby permitted shall not be used other than for the purposes of agricultural or equestrian storage in connection with Old Hearne Farm and for no other purposes whatsoever.
2. At no time shall the East Barn hereby permitted be used for the accommodation of livestock including horses.
3. Within two months of the date of this permission a detailed scheme of internal and external works to the East Barn and its surroundings shall be submitted to and approved in writing by the Local Planning Authority and once approved the detailed scheme shall be implemented in full within three months of agreement. The proposed changes shall be retained thereafter unless otherwise agreed in writing by the Local Planning Authority. The internal and external works shall include:
 - a) The removal of all the roof-lights in the East Barn
 - b) The removal of the pavement, lawn and pergola in front of the East Barn.
 - c) The cladding of the glazed area above the entrance to the East Barn.
 - d) The removal of part of the Gallery.
 - e) The removal of the spiral staircase which provides access to the Gallery.
 - f) The removal of one of the WCs on the ground floor of the East Barn.
 - g) The provision of external shutters to the first floor window in the south-east elevation of the East Barn.
4. No:
 - a) Internal alterations within the East Barn including any insertion of partitions, walls, floors or ceilings shall take place at any time other than in accordance with the prior written consent of the Local Planning Authority.
 - b) Additional external doors or windows (including roof-lights) shall be added to the East Barn at any time other than in accordance with the prior written consent of the Local Planning Authority.
5. The reconstruction and/or making good of the East Barn to complete the execution of the works approved pursuant to Condition 3 above shall be carried out as far as may be practicable using matching materials. Any variation from the use of matching materials must be with the prior written approval of the Local Planning Authority.

6. Where alterations lead to the introduction of new materials no alterations shall be carried out unless and until a schedule of materials and finishes and, where so required by the Local Planning Authority, samples of such materials and finishes to be used for external walls, cladding and roofs of the East Barn and where appropriate surfacing materials have been submitted to and approved in writing by the Local Planning Authority.
7. Details of the external lighting which currently illuminates the external parts of the East Barn shall be submitted to and approved in writing by the Local Planning Authority within two months of the date of this Appeal Decision. Any external lighting that is not approved by the Local Planning Authority shall be removed within three months of the date of this Appeal Decision. No further external lighting of the East Barn shall be carried out without the prior written consent of the Local Planning Authority.
8. The Farm Office within the East Barn shall be used solely as a Farm Office for managing the agricultural and equestrian uses carried out at Old Hearne Farm.

***Tim Belcher* – Inspector**

APPEARANCES

FOR THE APPELLANT

Ian Ellis BA MRTPI	Director – Southern Planning Practice Limited
Alexandra Webb BSc(Joint Honours), MSc, MRTPI	Planner – Southern Planning Practice Limited
Anthony Klein PhD, MBA, BSc, CEng, FRAeS	Appellant
Sally Klein BA(Hons), PGCE	Appellant's Wife

FOR NPA

Jenna Shore BSc	Planning Officer with Chichester District Council
Reg Hawkes BA(Hons), MA(TP), MRTPI	Assistant Manager – Enforcement Team at Chichester District Council

INTERESTED PERSONS

Brett Burkhart	Local Resident
----------------	----------------

DOCUMENTS

Document 1	-	Statement of Common Ground.
Document 2	-	Planning Application, Plans and Recommendation for additional cow housing – Reference 96/02023 – December 1996.
Document 3	-	Planning Application, Plans and Planning Permission for the laying of An outdoor arena and erection of fencing around its perimeter and associated groundworks – Reference LG/99/01201.
Document 4	-	Planning Application, Plans and Planning Permission for the proposed erection of domestic equestrian centre comprising 16 stables , ancillary grooms' accommodation, covered riding area, hay and straw barn together with associated works – Reference LG/99/02913/FUL.
Document 5	-	Planning Application, Plans and Planning Permission for the renewal of unimplemented permission LG/99/02913/FUL.
Document 6	-	Planning Application, Plans & Design and Access Statement for a mixed agricultural and equestrian development consisting of a stock building, 10 loose boxes, tractor barn, two storage barns and ancillary feed store, office and mess room – Reference 07/00953/FUL – Application withdrawn 27 April 2007.
Document 7	-	Planning Application for retention of East Barn and its immediate surroundings for mixed use purposes and the

- erection of a stock building – Reference SDNP/15/05067/FUL – Application withdrawn 19 November 2015.
- Document 8 – Application for Certificate of Lawful Development, Supporting Statement, Application Plans, Supporting Documents and Certificate of Lawful Use or Development dated 11 February 2016 – Reference SDNP/15/04718/LDE.
- Document 9 – Hearne Hall – Oak Timber Framing – Artizans of Wood.
- Document 10 – Letter dated 6 November 2016 from Lurgashall Parish Council to Chief Planning Officer at Chichester District Council.
- Document 11 – E-mail from Ian Ellis dated 27 July 2017 attaching conditions proposed by the Appellant and by the NPA.