
Appeal Decisions

Inquiry held between 11 February 2020 to 14 February 2020.

Site visit made on 11 February 2020

by Jonathan Hockley BA (Hons) DipTP MRTPI

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

Decision date: 23rd March 2020

Appeal A: APP/J1535/W/3224627

Land to the rear of the Stables and the Dairy, Coopersale, Epping CM16 7QL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Bradleigh Investments Ltd against the decision of Epping Forest District Council.
 - The application Ref EPF/1032/18, dated 12 April 2018, was refused by notice dated 14 September 2018.
 - The development proposed is a new residential dwelling along with the demolition of derelict glasshouse structures and alterations to the historic garden wall.
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Appeal B: APP/J1535/Y/3224629

Land to the rear of the Stables and the Dairy, Coopersale, Epping CM16 7QL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Bradleigh Investments Ltd against the decision of Epping Forest District Council.
 - The application Ref EPF/1036/18 LB, dated 12 April 2018, was refused by notice dated 14 September 2018.
 - The works proposed are a new residential dwelling along with the demolition of derelict glasshouse structures and alterations to the historic garden wall.
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Decisions

1. The appeals are dismissed.

Preliminary Matters and Main Issues

2. I have used the site address from the appeal form as opposed to that on the application form in the banner above as I consider this to be more precise.
3. The Inquiry sat for four days. Matters relating to the Green Belt were dealt with on a round table basis as opposed to cross-examination of the various witnesses, with the agreement of the main parties. I held an accompanied site visit on the first day of the Inquiry and carried out one unaccompanied visit on the 10th of February, the day before the Inquiry opened. On this visit I walked on the footpath to the north of the appeal site (footpath 18) and on public roads between this footpath and the appeal site. The accompanied site visit included an inspection within the site itself.

4. Two unilateral undertakings prepared under Section 106 of the Town and Country Planning Act 1990 were submitted by the Appellant towards the end of the Inquiry. These deal with issues relating to the Epping Forest Special Area of Conservation (SAC) and footpath 18. Their contents are considered below.
5. The Council and the Appellant were both of the view that the proposal constituted inappropriate development in the Green Belt, when considered under the provisions of paragraph 145 of the National Planning Policy Framework (the Framework). I agree with their conclusion on this aspect. Further issues arose through any effects of the scheme upon various heritage assets and the Epping Forest SAC.
6. This latter issue, which formed one of the Council's reasons for the refusal of Appeal A, was considered before and during the Inquiry; a shadow habitats regulation assessment was submitted by the Appellant with their proofs of evidence, and due to various circumstances in the interests of fairness both main parties were provided with additional time to submit further written representations. The appellant requested additional time during this process to undertake further work but I considered by this stage that I had enough information available to myself to make my decision.
7. Based on all that I have seen, read and heard at the Inquiry therefore the main issues in Appeal A are as follows:
 - The effect of the proposal on the openness of the Green Belt;
 - The effects of the proposal on Coopersale House, a Grade II listed building, the Registered Park and Garden it sits within, and their settings; and
 - Whether the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations thereby providing the very special circumstances required to justify the proposal.
8. For Appeal B, the main issue is the effects of the works on the listed building and its setting.

Reasons

Planning Policy Background

9. The Epping Forest Local Plan (the Local Plan) was adopted in January 1998, with Alterations in 2006. Appeal A was refused for three reasons, with four Local Plan policies cited in these reasons for refusal; policies GB2A, GB7A, HC12 and NC1. Appeal B was refused for one reason, with policy HC12 cited in this reason for refusal.
10. The Local Plan has thus been in place for a considerable period of time. The latest revision of the National Planning Policy Framework (the Framework) was published in February 2019.
11. The emerging Local Plan (the Emerging Plan) was examined up to June 2019. The Inspector who conducted this examination wrote to the Council on 2 August 2019 advising of main modifications and additional work to be carried out. Policies DM4, DM7, DM2, DM22 of this emerging plan are cited in the reason for refusal of Appeal A, with policy DM7 cited in Appeal B.

12. Consideration of the relevant policies and weight to be given to them is reflected on below.

Site introduction

13. Coopersale House is a Grade II listed building, located to the south of the settlement of Coopersale. The land holding to the property, as detailed in the submitted site plan includes extensive areas of land primarily to the south, west and north of the House itself, including the Registered Park and Garden (RPG) of Coopersale House and agricultural land. A walled or kitchen garden falls within the RPG; this is sited to the north of Coopersale House.
14. The site consists of the walled garden, along with land on the north side of the garden and an existing access track to the road of Houblons Hill to the north.
15. The proposal seeks to demolish an existing dilapidated glasshouse structure and construct a new, partly subterranean house using the garden wall as an integral part of a new house. The wall is proposed to bisect the house, so that some of the house would lie within the walled garden and some to the north of it. The proposal has been designed so that the green roof of the property would be lower than the top of the 2.8m high wall, and the scheme includes proposals to repair and restore the wall of the garden and enact landscaping within the garden to a design similar to original plans dating from 1758.

The openness of the Green Belt

16. Paragraph 133 of the Framework states that “the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence”. Paragraph 134 provides five purposes to Green Belts, including point c), to assist in safeguarding the countryside from encroachment.
17. The openness of the Green Belt has a spatial aspect as well as a visual aspect. The Supreme Court¹ states that how to take account of the visual effects of a scheme on openness is a matter of planning judgement rather than one of legal principle. The judgement also noted that openness is the counterpart of urban sprawl and that it does not imply freedom from any form of development and that the visual qualities of the land may be an aspect of the planning judgement in applying this broad policy concept.
18. The appellant’s landscape paper² acknowledges that the proposal will result in a net increase in the footprint of development above that of the existing glasshouse and would therefore result in a physical reduction in openness, considering that this would be a very minor, localised change. Table 1 of the Paper states that the proposal would increase the built footprint on the site by 287.4 m². In the Green Belt round table the appellant considered that when talking into account all proposed development, such as hardstanding and patio area, the increase would be in the order of 600m². The volume of development, in two storeys even if one storey is subterranean would also be a considerable increase upon the existing glasshouses. The appellant notes that the proposal would only equate to a small area of development in terms of the overall appeal site area (a figure of 2.79% is stated). However, this is a function of the size of the overall appeal site (1.03 hectares) as opposed to necessarily an

¹ Inquiry document (ID) 3

² Topic Paper: Landscape and Visual Matters Volume 1: Text, Tyler Grange, 23/01/20.

indication of the size of the scheme. By all metrics the proposal would have a greater impact on the openness of the Green Belt in spatial terms than the existing glasshouses.

19. The land use and ownership in and around Coopersale House has altered over the years, with the construction of new dwellings and conversion of former outbuildings to residential use leading to the creation of a 'hamlet' in the view of both parties. The appellant notes that the eastern and north-eastern site boundaries are bounded by such properties and their gardens which provide enclosure, and that these houses are bounded by managed hedgerows and trees which provide a domestic residential character when travelling along Houblons Hill. I agree with this assessment to a certain extent; however, in my view the site and surrounds including the 'hamlet' still have a rural character and is clearly separated and defined from the more built up area of Coopersale to the north.
20. As a result and consequence of the proposal's positioning partially within the high walled garden, public and private viewpoints of the proposed dwelling are rare. Public viewpoints are limited to a short stretch of footpath (footpath 18) to the north of the appeal site, which links Coopersale to Epping. This footpath is tightly enclosed as you leave Coopersale before opening up as you head west, with far reaching views to the south and south east towards the capital. On the accompanied site visit clear views could be had of the dramatic skyline of the city of London. To the south such views also encompass elements of the site; parts of the north side of the wall can be seen, along with accompanying vegetation.
21. The siting and design of the proposal, with an overall height lower than the top of the wall would assist in reducing the visual impact of the proposal. Nevertheless the extent of the proposal to the north of the wall would be visible from this footpath with, depending on the season and extent of agricultural activity and growth on the field between the appeal site and the footpath, views of parts of the dwelling's northern elevation possible, as well as potentially parked vehicles, when not utilising the proposed garages. Over time the extent of such views may diminish due to landscaping (the appellant's visual assessment includes a photomontage at year 15) but will still be present and the proposal would still have a visual impact upon the Green Belt.
22. The proposed access to the appeal site is located upon Houblons Hill, utilising an existing farm access track. The urbanisation of this access to a more formal entrance could also have an adverse impact upon the openness of the Green Belt. However, conditions could ensure that the nature of the access remained low key and while the necessary hardstanding and bound material of the access where it meets the public road would have an effect on the openness of the Green Belt such effect would be minimal.
23. I therefore consider that in both spatial and visual terms the proposal would have a greater impact on the openness of the Green Belt than the existing situation. Furthermore, in doing so the scheme also fails to assist in safeguarding the countryside from encroachment, one of the 5 purposes of the Green Belt, and would therefore not comply with the fundamental aim of Green Belt policy to prevent urban sprawl by keeping land permanently open. While I note the appellants point that the Emerging Plan will of necessity include the release of Green Belt to meet housing need, this does not alter the fact that

the proposal would be inappropriate development in the Green Belt and would have an adverse effect on the openness of the Green Belt.

24. Policies GB2A and GB7A of the Local Plan state that planning permission will not be granted for the construction of new buildings in the Green Belt unless it is for certain exceptions, none of which the proposals would meet (GB2A), and that the Council will refuse permission for development conspicuous from within the Green Belt which would have an excessive adverse impact upon the openness, rural character, or visual amenities of the Green Belt (GB7A). Paragraph 213 of the Framework states that existing policies should not be considered out of date simply because they were adopted or made prior to the publication of the Framework, with due weight to be given to them according to their degree of consistency with the Framework.
25. Policy GB2A does not contain as fulsome a list of exceptions as that contained under paragraph 145 of the Framework, and also does not refer to very special circumstances within the policy. This reduces the weight I ascribe to this policy. There is not a policy within the Framework that aligns with Policy GB7A, and as such I place very limited weight on this policy. The appellant states that Policy DM4 of the emerging plan aligns with the Framework. Given the progression of the Emerging Plan I place significant weight upon this policy. The proposal would be contrary to both this policy and to Policy GB2A of the Local Plan.

Heritage Assets

26. Coopersale House is a large property dating to the 17th and 18th centuries. The 2 storey south east facing façade is stated in the listing to be symmetrical, but there are differences in the windows. A tiled roof with modillioned eaves is raised in the centre of the façade as a pediment, above a circular bullseye type light, central window and large central panelled door. Evidence notes that the property originally had 3 storeys but that the upper storey was removed in 1920.
27. The house lies within the Grade II listed Registered Park and Garden (RPG) of Coopersale House. The listing for the RPG notes that the House was originally built by John Archer, who then died in 1707 and left the estate to a colleague on conditions that he marry into the family and change his name to Archer. William Archer then employed Adam Holt to carry out an extensive scheme of landscaping, including works to a large pond on site and work on contours and pathways. This included an original kitchen garden to the west of the house in two triangular wedges.
28. Currently the Holt large pond/lake remains, located to the south and south-west of the House, surrounded by grassland, trees and more formalised planting, such as a more recent Japanese garden. To the north and west of the House lies a roughly square shaped large area of grassland encircled with trees. Pathways are set in amongst the trees, with one such pathway heading roughly northwards from the rear of Coopersale House to the south east corner of the kitchen garden.
29. The kitchen garden is surrounded by a brick wall, and has a parallelogram shape, with a longer southern than northern boundary and an angled eastern wall. A simple plan dating from 1758 for this garden shows a pathway around the outside of the garden (but within the walls), a central circle and paths running into this central feature. An oval shaped feature on the right-hand side

of the garden is also shown, this conforming generally to a pond which remains on site today. At my visit I observed that the garden was set to grass generally, with some isolated trees. On the northern side, amongst the aforementioned glasshouses, shrubbery has taken over much of these structures. A former two room gardener's cottage is set into the east wall of the garden, with the wall operating as the flush façade of the structure, and the remainder set behind the wall and outside of the garden.

30. From my visit, I saw that the wall was of varying condition. While some stretches appeared in good condition, other areas were less well maintained with the north, west and south sides having areas of visible deterioration. External buttresses on the west side appeared unfixed to the wall. The appellant states that around £160,000-£175,000 will be required to repair the wall. The garden has two entrances, with an ornate gate set in the south east corner and a further access roughly halfway along the north side of the wall.
31. The Planning (Listed Building and Conservation Areas Act) 1990 (the Act) requires special interest to be given to the desirability of preserving a listed building and any features or architectural interest it possesses, and states that when considering whether to grant planning permission for development which affects the setting of a listed building, special regard should be had to the desirability of preserving this setting. Section 1 (5)(b) of the Act states that any structure within the curtilage of a listed building, which although not fixed to it, forms part of the land and has done so since before 1 July 1948, shall be treated as part of the listed building. It is agreed between the parties that the wall of the garden is 'curtilage listed' by virtue of their relationship with Coopersale House and that also the walled garden is itself of listable quality.
32. Paragraph 193 of the National Planning Policy Framework (the Framework) says when considering the impact of a proposed development on the significance of a designated heritage asset (including a RPG), great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of a heritage asset, or by development within its setting (paragraph 194). The Framework defines setting as the surroundings in which the asset is experienced. Elements of setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance, or may be neutral.
33. There is very limited intervisibility between the walled garden and Coopersale House itself. At the site visit we walked to a high vantage point on a field to the west where the walls of the garden could be seen, together with a glimpse of the rendered side of Coopersale House. However, such view would likely not be present in the summer months when intervening trees would be in full foliage. However, Historic England note³ that although views of or from an heritage asset will play an important part in the extent of setting, the way in which we experience an asset in its setting is also influenced by understanding of the historic relationship between places, citing examples of buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each. HE also note that the contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to

³ Historic England, 'The Setting of Heritage Assets' Historic Environment Good Practice Advice in Planning Note 3 (Second Edition), CD9.5

access or experience that setting, noting that this will vary over time and according to circumstance.

34. The kitchen garden is an integral part of the RPG, and due to its historic connection and purpose as part of the Coopersale House estate, is within the setting of the listed building. Furthermore, while not in functional use as a kitchen garden, the walled garden due to its age and connection with the estate and the retention of the walls, albeit in poor repair in some areas, makes a positive contribution to the significance of both Coopersale House and to the RPG.
35. The appellant is of the view that while the walled garden is within the historic setting of the listed building that connection is weakened by later development. Over time, land to the north of Coopersale House which would have once formed part of the overall estate has been sold off with piecemeal development occurring on such land; one such example is Coopersale Farm to the east of the kitchen garden. However, conversely the loss of such land to my mind has strengthened the connection of the walled garden to Coopersale House; on walking the ground it is clear that the garden has a strong connection to the listed building and one can visualise when walking between the House and the garden the many trips that would have taken place on the same footways, including by the owners of the house keen to show their impressive walled garden to visitors to the estate.
36. The construction of such a substantial house within and outside the walled garden would significantly change the character of the garden, from a walled garden ancillary in use and design to Coopersale House as part of the property's estate, to a private residential garden for the new property. The proposal is significantly different in design and scale to the gardener's cottage which is clearly subsidiary to the garden, and in effect is there to serve the garden. While I understand that the appeal site is in different legal ownership to the balance of the RPG and Coopersale House (but within the same family), it remains visually and historically an essential part of the RPG and under the Act, as part of the curtilage of the House. This change in character to the garden, separating and divorcing it from Coopersale House, reducing the legibility of the historic relationship and giving it more of a residential character would harm its significance, as well harming the significance of the RPG.
37. I also have concerns over the size and scale of the proposed house and its extent of physical encroachment into the walled garden. I do not consider that the building would be modest; the extent of the property would visually dominate the garden when viewed from inside the garden and would, due to this scale, have a domesticating impact upon the character of the garden. While architectural details such as the glass to allow views through to the garden wall may assist in such matters, in reality these views would likely be quickly reduced and blocked by domestic accoutrements such that the glass aspects of the design would lead to more of a domestic effect upon the garden.
38. The benefits of the scheme include the proposed repair to the wall of the garden and the recreation of the design of the garden itself. The appellant also notes that the creation of a residential curtilage provides a reason to maintain the wall in future, considering the creation of a new house would be an incentive to undertake the enhancements to the wall and the garden.

39. The works to the late 18th century wall are clearly needed in some parts, although they remain substantially intact and are not dangerous or in need of urgent preservation⁴. Such works, as detailed in a 2013 schedule⁵ are fairly extensive and would be beneficial to the significance of both the RPG and to Coopersale House. The appellant acknowledges that the owners of listed properties have a positive obligation to maintain them but considers that long term degradation with ever mounting costs is a risk, and considers that practically speaking the walled garden is a structure at risk, with it being unreasonable to expect the owner of the House to resort to the walled garden on any sort of a regular basis.
40. I agree that maintaining a large brick garden enclosure is likely to be a challenge and that periodic maintenance is the most likely outcome when sections of wall become obviously perilous. I also acknowledge that there would be a benefit of the scheme by bringing the wall back to an overall good state of repair at one point in time. Nevertheless, the obligation that the owner of a listed building has to maintain it reduces the overall weight I ascribe to this benefit.
41. The proposed garden works seek to emulate the 1758 plan with a garden split into 4 quadrants, separated by central and perimeter paths, landscaped with espaliered fruit trees and roses to south facing walls. The quadrants are shown as a formal herbaceous garden, an amenity area, a vegetable garden, and a recreational garden. The reinstatement of the essential formal plan of the garden would benefit the significance of the heritage assets of the walled garden and the RPG but the fact that around half of the garden would be given over to 'domestic uses' in the form of the recreational garden and amenity area would lessen such benefit. The original walled garden would not likely had such areas, and while I agree that the garden as it is now could be easily more domesticated, the proposed plan would not fully result in the reinstatement of a kitchen garden.
42. Benefits of the scheme would also accrue through the construction of the property, particularly in an area with an agreed lack of housing land supply. Economic and social benefits would be achieved through both the construction of the proposal and through the actions of the future residents of the home. However, such benefits would be relatively limited given that the scheme would only provide one house.
43. I give significant weight to the benefits that the proposal would bring to the walled garden, through the restoration and repair of the wall and the partial reinstatement of the historical walled garden design. Beneficial weight also arises from the construction of the scheme. However, I am required to give great weight to the conservation of the heritage assets. When considering the harm that I have identified that the proposal would cause to the significance of Coopersale House, both to the walled garden and to the setting of the listed building, and to the RPG itself, I am of the view that such harm is not outweighed clearly and convincingly by the identified benefits.
44. The appellant cites the Palmer⁶ case which considers that when a proposal which causes some harm and some benefit to a designated asset, the decision

⁴ Proof of Dr Miele, paragraph 5.8

⁵ ID 12

⁶ Palmer v Herefordshire Council & ANOR (2016), CD7.3

maker balances out the two to see whether there is harm, but also notes that if this approach is not taken then paragraph 196 of the Framework states that any harm is to be weighed against the public benefits of the proposal, including securing its optimum viable use. In their view under both approaches the benefits of the scheme outweigh any harm. However, due to the above I am of the view that the harm that the scheme would cause would outweigh the benefits and result in overall harm, with such harm not being outweighed by the public benefits of the scheme, and therefore the proposal would have adverse effects on Coopersale House and its setting, and upon Coopersale House Park and Garden

45. The proposal would be contrary to the Act and to the Framework. Policy HC12 of the Local Plan states that the Council will not grant planning permission which could adversely affect the setting of a listed building. While not positively worded, this policy in simple terms accords with the Framework but does not consider public benefits which reduces the weight I can provide to it. Policy DM7 of the Emerging Plan seeks to ensure that heritage assets are conserved in a manner consistent with their significance, in line with the Framework. The proposal would be contrary to both such policies.

Other considerations

46. As part of the scheme the applicant has proposed enhancements to footpath 18. Alongside the element of the footpath where views open up (as described above) the fence line is a concrete and chain link fence. A submitted unilateral undertaking would ensure that native hedgerow planting would be undertaken alongside the footpath, together with the provision of an information board on the path. Such planting would improve the outlook of the path and provide minor environmental benefits, as well as potentially increasing the usage of the path.

Conclusions

47. The proposal would be inappropriate development in the Green Belt and the Framework establishes that substantial weight should be given to any harm to the Green Belt. In addition, in both spatial and visual terms the proposal would have a greater impact on the openness of the Green Belt than the existing situation. Overall harm would also be caused to the heritage assets of the RPG and Coopersale House, even when taking into account the significant heritage benefits of the proposal. While entirely laudable I do not consider that the footpath improvements that the proposal would provide would clearly outweigh the harm that the scheme would cause. Consequently, very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist.
48. It is agreed between the parties that the Council cannot demonstrate a 5-year supply of deliverable housing land supply. Paragraph 11 (d) of the Framework states that where there are no development plan policies or the policies which are most important for determining the application are out of date, permission should be granted for proposals unless the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed. In this case the Framework policies relating to the Green Belt and to designated heritage assets provide such a clear reason.

49. As stated above, one of the reasons for refusing the Appeal A application related to the Epping Forest SAC. A unilateral undertaking was submitted by the applicant to deal with issues relating to recreational pressures upon the SAC but discussions were ongoing related to any potential air quality effects of the scheme. However, as I am dismissing the appeals on other grounds I have not considered this matter further.
50. For Appeal B, for the reasons given above I conclude that the proposed works would have an adverse effect on the listed building and its setting.
51. For the reasons given above and having regard to all other matters raised including the letters in support of the proposal, I conclude that the appeals should be dismissed.

Jon Hockley

INSPECTOR

FOR THE LOCAL PLANNING AUTHORITY:

Megan Thomas of Counsel

instructed by Epping Forest District Council

She called

Frederique Caillet BA History, BA Heritage, MA

Epping Forest DC

Caroline Brown BSc (Hons), DipTP, MRTPI

Epping Forest DC

Elaine Bell

Epping Forest DC

FOR THE APPELLANT:

Christopher Boyle of Queen's Counsel

instructed by DPP UK Ltd

He called

Bob Robinson MRTPI

DPP UK Ltd

Dr Chris Miele MRTPI IHBC

Montagu Evans

Robert Hughes CMLI BSc(Hons) Dip LA

Tyler Grange

INTERESTED PERSONS:

Barbara Scruton

Epping Town Council

Geraldine Vallis

Epping Town Council

INQUIRY DOCUMENTS (ID)

1. Appearances for Epping Forest District Council.
2. Draft EFDC conditions with Appellant's track changes, 11/02/20.
3. Judgement, Samuel Smith Old Brewery (and others) v North Yorkshire County Council, [2020] EWCA Civ 489.
4. Opening speech for Epping Forest District Council.
5. Errata and correction for Proof of Evidence of Dr Chris Miele.
6. "Adam Holt (1691?-1750), Gardener: His work at Coopersale House, Essex", The Gardens Trust, Garden History Vol 26 No 2 Winter 1998.
7. Statement of Nicola Linihan BA (Hons), DMS, MRTPI for Epping Forest District Council.
8. Judgement, Baynham v SoS for Communities and Local Government, [2017] EWHC 3049 (Admin), 2017 WL 05759691
9. Conclusion/Balance Summary for Epping Forest District Council.
10. Unilateral Undertaking (UU) in respect of mitigation of impacts upon the Epping Forest SAC, submitted 13/02/20
11. UU in respect of a commitment to provide replacement native hedgerow planting on land adjoining Footpath 18, submitted 13/02/20 [Version 1]
12. Schedule of Condition of Walled Garden, Coopersale House, The JTS Partnership LLP, 27/08/13
13. UU in respect of a commitment to provide replacement native hedgerow planting on land adjoining Footpath 18, submitted 13/02/20 [Version 2]
14. UU in respect of a commitment to provide replacement native hedgerow planting on land adjoining Footpath 18, submitted 14/02/20 [Version 3]
15. Letter confirming acceptance of pre-commencement conditions, DPP Planning 14/02/20
16. Closing speech of Epping Forest District Council
17. Judgement. Hayden Cook v SoS for Communities and Local Government [2010] EWHC 2551 (Admin), 2010 WL 3807963
18. Closing Submissions of the Appellants.