



Appeal Decisions

Site visit made on 3 July 2020

by Gareth Wildgoose BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 July 2020

Appeal A Ref: APP/A0665/W/19/3242755

Horns Farm, Chester Road, Dunham On The Hill, Chester WA6 0JF

- 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 Mr P Ogilvie against the decision of Cheshire West & Chester Council.
 - The application Ref 18/04636/FUL, dated 28 November 2018, was refused by notice dated 12 November 2019.
 - The development proposed is for a material change of use of buildings and land from use for car repairs and servicing to a mixed use of car repairs and servicing and car wash including valeting of cars and commercial vehicles including hard standing and structures. (Partially in retrospect).
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Appeal B Ref: APP/A0665/W/19/3242763

Horns Farm, Chester Road, Dunham On The Hill, Chester WA6 0JF

- 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 Mr P Ogilvie against the decision of Cheshire West & Chester Council.
 - The application Ref 18/04635/FUL, dated 28 November 2018, was refused by notice dated 12 November 2019.
 - The development proposed is for a material change of use of land from agricultural to amenity land associated with Horns Farm (In retrospect).
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Decisions:

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Application for costs

3. An application for costs was made by Mr P Ogilvie against Cheshire West & Chester Council in relation to both Appeal A and Appeal B. The applications are the subject of a separate Decision.

Procedural Matters

4. The planning applications subject of each appeal were submitted separately by the appellant relating to land within his ownership. The proposals are different in terms of the locations within Horns Farm, the specific changes of use sought

and associated development which had taken place at the time of my visit. Therefore, Appeals A and B are necessarily considered as separate entities on their individual merits. However, as there are common and overlapping main issues I have linked the appeal decisions to avoid duplication.

Main Issues

5. The main issues for both Appeals A and B are:
- Whether the proposal is inappropriate development in the Green Belt for the purposes of the development plan and the National Planning Policy Framework (the Framework), including the effect on openness and the purposes of including land within it;
 - The effect on the character and appearance of the area, and;
 - If the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Policy considerations

6. The appeal sites in both Appeal A and Appeal B lie within the Green Belt. Policy STRAT9 of the Cheshire West and Chester Council Local Plan Part One Strategic Policies (LP Part One), adopted January 2015, relates to the Green Belt and countryside and, amongst other things, sets out that in settlements and areas of the countryside that are within the Green Belt, restrictions will apply to development in line with the Framework.
7. The Framework indicates that great importance is attached to Green Belts and that a 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 143 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 indicates that substantial weight should be given to any harm in the Green Belt and that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Appeal A

Whether the proposal would be inappropriate development in the Green Belt

8. The site in Appeal A consists of a parcel of land to the east of the dwelling known as Horns Farm which has two separate access points on the southern side of Chester Road (A56) and is broadly opposite to a public house on the northern side of the road. At the time of my visit, the site was in use by a car repair and servicing business, together with a car wash and valeting business with associated hardstanding and structures at its eastern extent. The evidence before me indicates that the lawful use within the site is for use as a car repairs business with associated buildings and hardstanding, together with use of part of the land as a hand car wash.

9. The proposal is, therefore, to allow continuation of a car wash and valeting business within the site, including retention of a canopy building enclosing two containers as located on hardstanding beyond the easternmost of the two accesses onto Chester Road. The proposal also includes a change of use to retain an expanded area of hardstanding to the south of the canopy building that was in use for parking by a mix of vehicles at the time of my visit.
10. During my visit, I also observed an additional container to the north of the canopy building and other containers and a caravan on a separate grassed area. However, there is no conclusive evidence before me with respect to their planning status and as they are not included on the submitted plans, they do not form part of the appeal proposal.
11. Paragraph 145 of the Framework indicates that the construction of new buildings should be regarded as inappropriate development in the Green Belt, unless it falls within certain listed exceptions. The listed exception which is potentially relevant to the proposal is 'limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development...'.
12. The Framework at Annex 2: Glossary defines previously developed land as land which is or was occupied by a permanent structure including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. Based upon the evidence before me, the buildings and fixed surface infrastructure associated with the car repairs business have been in-situ for a significant period of time and have a degree of permanence.
13. In contrast, Council photographs identify that the hardstanding area beyond the easternmost access was previously open field, albeit with some sporadic parking. The source and dating of the photograph as September 2011 is, however, disputed. In any case, the evidence before me is not sufficiently clear to reach a robust conclusion on the extent to which any hardstanding in that area, including where the building subject of this appeal is located, had been ancillary to the car repairs business and hand car wash business since the most recent planning permission in 2014.
14. Notwithstanding the above, even if I were to consider that the location of the proposed building constitutes previously developed land and that the hardstanding denoted as 'existing' on the submitted plans has some permissible areas of associated parking so as to not constitute further encroachment into the countryside. As previously mentioned, the relevant exception under paragraph 145 of the Framework requires that any infilling or partial redevelopment of previously developed land would not have a greater impact on openness. The Framework does not provide a specific definition of openness, but, in the Green Belt context, it is generally held to refer to freedom from, or the absence of, development as well as any visual impact.
15. The development of the canopy building with the siting of containers therein is a substantial structure and permanent feature which intensifies the use of the site. It is also visually prominent when viewed from Chester Road through and above the existing boundary treatments which comprise a mix of close boarded and trellis fencing. The scale and massing of its roof structure leads to an

- evident change to the spatial character of the site. There is an associated loss of openness of the Green Belt when viewed from Chester Road, despite some visual containment provided by the backdrop of tree screening to the east and the presence of Horns Farm and other existing buildings further to the west.
16. It follows from the above, that as the proposed canopy building is in a location which was previously open, its presence has a greater impact on the openness of the Green Belt. Consequently, the development as proposed does not fall within the relevant exception at paragraph 145 g) of the Framework. The proposal also does not fall within any of the other listed exceptions based upon its use or location in a rural area beyond the built envelope of Helsby.
 17. The proposed canopy is not a solid building. Nonetheless, even if I were to alternatively assess it as an engineering operation against the certain other forms of development in paragraph 146 of the Framework that are not inappropriate development in Green Belt, as the canopy would not preserve the openness of the Green Belt it would not meet those requirements in any case. The canopy building is, therefore, inappropriate development in Green Belt with an associated loss of openness.
 18. The change of use of land to facilitate the expansion of hardstanding that has taken place to the south of the building would also necessarily be assessed against paragraph 146 of the Framework. Those elements of the proposal constitute engineering operations and a material change in the use of land which fall within the certain other forms of development that are also not inappropriate in the Green Belt provided they preserve openness and do not conflict with the purposes of including land within it.
 19. The appellant has provided photographs indicating that the hardstanding area was previously used for general storage of materials including rubble, tyres and other items that, over time, had been visually obscured by vegetation. However, there is no conclusive evidence that such a use of the land was lawful. Consequently, the hardstanding forming part of this appeal consists of a proposal to significantly expand the use of the site for commercial purposes and includes urbanisation of formerly open land through an almost permanent parking presence of some vehicles. The impact from the parking provision may not be continuous across all of the land during periods when public access to the site is not available and the businesses are closed. However, I observed that a significant number of the vehicles parked on the hardstanding area were associated with vehicle and breakdown recovery and would likely be parked on the site when not in use.
 20. The hardstanding area due to its location, scale and function is now viewed as an additional parking and storage area that is closely related to the use of the existing businesses within the site, rather than the more open fields and countryside beyond a nearby watercourse. This element of the proposal has, therefore, resulted in a loss of openness and an associated encroachment into the countryside in conflict with the related purpose of including land within the Green Belt. In reaching that view, I have taken into account that the adverse impact upon the openness of the Green Belt is limited by its locational context to views from Chester Road. Other public vantage points would be screened by trees, the presence of buildings, other structures and vehicles parked nearby on other adjoining hardstanding. Consequently, it would not harm the other purposes of including land within the Green Belt. Nevertheless, the

identification of an adverse impact in terms of loss of openness and encroachment upon the countryside constitutes harm and reflects a failure to meet the requirements of paragraph 146 of the Framework.

21. The appellant has suggested that if I were to find that the building and hardstanding were to constitute inappropriate development that I consider the possibility of a split decision of granting planning permission only for the material change of use of the land. However, I am mindful that such a use could of itself require some on-site parking and the possibility of temporary structures or buildings and associated paraphernalia that could potentially harm the openness of the Green Belt and thereby, not comply with paragraph 146 of the Framework. In that respect, there is insufficient information before me to support a severance of the material change of use of land from the operational development in the submitted plans that are proposed.
22. Having regard to all of the above and based upon the evidence before me, I conclude that the proposal in Appeal A comprises inappropriate development in the Green Belt in conflict with Policy STRAT9 of the LP Part One and the Framework, with associated harm upon the openness of the Green Belt and its purpose of safeguarding the countryside from encroachment.

Character and appearance

23. As previously mentioned, the Appeal A site has only limited screening along its Chester Road boundary. The canopy building, containers and hardstanding with vehicles parked on the site, can be seen above and through the trellis fencing and at the eastern access point when the existing gates are open. The upper section of the canopy building and the extensive area of hardstanding to the south of it with a parking mix of cars and commercial vehicles, are particularly conspicuous on land levels marginally higher than at the access point.
24. The largely open sided nature of the canopy building of itself could be considered to be akin to an agricultural building and not out of place in a rural setting, albeit in a relatively isolated position from other buildings further to the west. However, when taken together with associated containers and prominent areas of parking on hardstanding, it has replaced and significantly altered the appearance of a previously open area of scrubland. In that context, the cumulative effect of the building, containers and hardstanding have introduced man-made and utilitarian features set against the backdrop of a more verdant setting of undulating fields and tree lines otherwise visible to the east of the longer established buildings in Horns Farm. The resultant urbanising effect on the site and the visual contrast of a proliferation of parked vehicles in the foreground of an undulating rural setting has a significant and harmful effect upon views into the wider countryside from Chester Road.
25. In reaching the above findings, I have taken into account that commercial buildings within the countryside are a nearby feature to the west in Horns Farm and on the opposite side of Chester Road. However, the presence of those buildings does not justify the incremental change to and unacceptable impact upon the character and appearance of the site in its countryside setting. Whilst the use proposed and associated building, paraphernalia and parking on hardstanding is only visible from localised public vantage points along the Chester Road frontage it is harmful.

26. I, therefore, conclude that the proposal in Appeal A significantly harms the character and appearance of the area. The proposal, therefore, conflicts with Policies STRAT9, ENV2 and ENV6 of the LP Part One. The policies, when taken together, seek high quality design which respects local character, including not harming the character of the countryside, taking account of the relationship to surroundings and where appropriate views into, over and out of the site. The policies are consistent with the Framework which, amongst other things, seeks recognition for the intrinsic character and beauty of the countryside.

Other considerations

27. Based on the planning history of the site, part of it has been lawfully used for a number of years as a car wash, alongside the longer established car repair business. The car wash and valeting business provides employment and services, including for both private cars and commercial vehicles. The employment benefits and the provision of a community facility serving Helsby and neighbouring villages are undoubtedly benefits in favour of the proposal. In that context, there are specific benefits in terms of the provision of a canopy for operation of the business in inclement weather and the siting of containers within the site for use as offices and welfare facilities ancillary to it. The proposal would also increase the parking availability and capacity for both customers of and workers employed by the car repair business and the car wash and valeting operations. There are also benefits of materials being stored securely and out of view within the canopy building and containers.
28. The aforementioned benefits associated with the appeal proposal would support the growth of businesses within the site. In that context, the benefits are given significant weight based upon the scale of the respective businesses I observed and the employment levels of up to 10 staff for the car wash and 3 staff for the car repair business as referred to by the appellant.
29. The appellant has suggested that there are additional benefits in terms of limiting cars waiting on Chester Road during busy times in the interests of highway safety. In that respect, whilst the proposal would undoubtedly increase the space for cars to park and wait within the site, there is no substantive evidence that the car repair and car wash businesses have resulted in significant highway issues to date, even during the busiest times. In any case, I observed that the section of road at the entrance and where it passes the site is relatively straight and widens from a single carriageway due to the presence of a bus stop lay-by and right turn refuges. As such, based on my observations, passing vehicles would be able to safely navigate around stationary vehicles waiting to access the site without any unacceptable impact on highway safety. I, therefore, afford little weight to such matters.
30. The appellant has also referred to the provision of the canopy being more efficient than and removing the need for portable tent structures to allow valeting near to car washing, with such structures also unsuitable for commercial vehicles. However, to my mind, as such tent-like structures are temporary and portable around the site they would have less impact on the openness of the Green Belt than the proposal before me. Consequently, such matters are afforded little weight beyond that already given to the benefits of the proposal for the operation of the businesses.
31. The existing commercial businesses are remote from residential properties, other than Horns Farm, and therefore, any noise and disturbance associated

with the activities within the site would not harm the living conditions of occupiers of the nearest dwellings in Helsby which are around 150 metres away. The development is also sufficiently distant from the watercourse and has land levels within the site which would ensure drainage issues and impacts upon biodiversity could be avoided. However, the absence of harm in those respects are neutral factors which do not weigh in favour of the proposal.

Planning Balance

32. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. There would be associated harm arising from the Appeal A proposal upon the openness of the Green Belt and the Green Belt purpose of encroachment into the countryside. In addition, I have also found that the Appeal A proposal significantly harms the character and appearance of the area. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
33. Having regard to the other considerations relating to Appeal A previously set out, I find that, when taken together, they do not clearly outweigh the substantial weight to be given to the harm to the Green Belt by reason of inappropriate development and the associated harm upon Green Belt openness and encroachment into the countryside. Consequently, the very special circumstances necessary to justify the development in Appeal A do not exist.
34. The material considerations do not indicate that the proposal should be determined other than in accordance with the development plan. The harm identified in Green Belt terms, together with the additional harm to the character and appearance of the area, are significant and overriding factors which reflect conflict with the development plan and the Framework when taken as a whole, and necessitate dismissal of Appeal A.

Appeal B

Whether the proposal would be inappropriate development in the Green Belt

35. The site in Appeal B comprises land adjoining Chester Road to the west of the dwelling known as Horns Farm, and to the south and west of an existing large detached building which at the time of my visit was in the process of conversion, with holiday accommodation having been previously granted permission. Those buildings are subdivided by existing boundary treatments from the site subject to Appeal A.
36. Based upon the evidence before me, the extent of the historic residential curtilage was at the end of the remains of an orchard which was functionally and physically associated with the dwelling. The remaining land to the west and south was formerly used for the keeping of horses. However, at the time of my visit, there were no boundary treatments separating the land from Horns Farm. Furthermore, the site had the appearance of an extensive domestic garden with associated paraphernalia and storage, together with less managed sections of overgrown land. The land itself is subdivided from surrounding fields by a mix of hedging and fencing, whilst a tall close boarded fence has been added behind a boundary hedge adjoining Chester Road and surrounds a vehicular access at its furthest western extent.

37. The application form for the proposal before me indicates that it is for the continuation of the use of land for non-domestic recreational use rather than as domestic garden falling within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended). In that respect, whilst the Council has offered the view that it considers that the land is not or had not been used for the stated purpose and instead that it is domestic garden, it made its decision on the basis of the proposed use.
38. The definition of residential curtilage is a matter of fact and degree taking account of the association of land with surrounding buildings and the circumstances of the particular case. In that context, I have some reservations that the limitation of access to the land to only private use by occupiers of the appeal site could be tantamount to a large domestic garden. Such a view is supported by the domestic paraphernalia, other structures and vehicles within the site that I observed during my visit, including the presence of a caravan and a boat at the western extent. Nonetheless, I am also mindful that the expansive nature of previously agricultural land, such as the appeal site in this case, does not routinely necessitate that it forms part of a residential curtilage even in the absence of subdivision from an established garden area. In that respect, I have also had regard to an appeal decision¹ drawn to my attention which dealt with matters of 'curtilage' and the available case law at the time. Taking such matters into account and given that the land would adjoin both Horns Farm and the building undergoing conversion, the site would be capable of being used for non-domestic purposes other than as residential curtilage and I necessarily determine the appeal on the basis of the proposed use applied for.
39. Paragraph 146 of the Framework at Part e) identifies material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds) as amongst the other forms of development that are not inappropriate in Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.
40. The use of land for outdoor recreational purposes in principle can preserve openness and the other purposes of including land within Green Belt. However, in this case, the proposal also includes operational development. In that regard, irrespective of whether or not the climbing frame can be considered an appropriate facility for outdoor sport and recreation as listed as an example of material changes of use under paragraph 146 e) of the Framework, such facilities and structures must preserve openness and not conflict with the purposes of including land within Green Belt. In this particular case, the introduction of a substantial wooden structure on a section of land that was previously open and is some distance to the west of existing buildings does not preserve the openness of the Green Belt and as such the development cannot be considered to fall within the certain other forms of development that are not inappropriate in Green Belt.
41. In reaching the above findings, I have taken into account that the climbing frame would be largely screened from public vantage points along the highway due to its set back position from Chester Road on gently reducing land levels and the presence of tall boundary hedgerows adjoining the highway frontage. Glimpses of the climbing frame are available at distance above hedgerows from higher land levels on the south westerly approach along Chester Road.

¹ Appeal Ref: APP/A0665/C/09/2103523 - Hampton Post, Old Coach Road, Hampton, Malpas SY14 8AA - Dismissed & Enforcement Notice Upheld - 4 November 2009

However, from those perspectives, it is viewed against the backdrop of other buildings in Horns Farm. Nonetheless, openness has both a spatial and visual aspect and therefore, significant visual containment of a site would not of itself remove the harmful loss of openness that I have identified.

42. The proposal also includes retention of an approximately 2 - 2.5 metre high fence alongside the Chester Road boundary of the site. At the time of my visit, the existing fence for most of its length was only glimpsed from Chester Road through sparser sections of existing hedgerow which lie between it and the footway edge. However, the landscape screening is necessarily more limited surrounding the vehicular access at the western extent and in that location the close boarded fencing is a much more conspicuous and urbanising feature from public vantage points. From those perspectives it restricts views across the site and reduces the perception of its openness in the Green Belt. To my mind, the harmful effect would not be prevented by a softening of the appearance and colour of the fence as it weathers over time and could not be mitigated by the addition of further landscaping due to the need for appropriate visibility at the access point in both directions along Chester Road. The proposal, therefore, fails to preserve openness as required by paragraph 146 of the Framework.
43. Although there would be no other harm with respect to the proposal in terms of the purposes of including land within the Green Belt as listed at paragraph 134 of the Framework, the absence of concern in those respects is a neutral factor.
44. I conclude that the proposal in Appeal B would comprise inappropriate development in the Green Belt in conflict with Policy STRAT9 of the LP Part One and the Framework, with associated harm upon its openness.

Character and appearance

45. The Appeal B site, based on the evidence before me, has been historically enclosed by a mix of trees and hedgerows of varying height and density. The boundary treatment immediately adjoining Chester Road consists of a well-established and tall hedgerow which limits views into and across the open land, aside from at the access toward the western extent.
46. As previously mentioned, the majority of the fence is largely screened from public vantage points along Chester Road via the existing hedgerow. It has been drawn to my attention that the hedgerow is subject to protection under other legislation and that its retention could be controlled. However, even if that is the case, the design and solid appearance of the close boarded fence surrounding the access is much more conspicuous and of an entirely different scale, form and materials to other boundary treatments and the prevailing verdant character of the immediate surroundings. It contrasts markedly with the soft landscaping of hedgerows, trees and grass verges, railings and post and rail fencing that characterise the immediate surroundings.
47. The fence, therefore, appears overly prominent and incongruous within the rural setting and could not be softened by additional landscaping without reducing visibility for vehicles using the access, which would unacceptably increase the risk of accidents close to a junction. For the above reasons, a condition to secure additional soft landscaping would not be a reasonable approach to overcome the harmful visual impact of the fence. A condition to require that the appeal fence be painted or stained in a particular colour would

also do little, on its own, to reduce the harm caused, nor would any weathering effects due to the height, length, form and prominent position of the fence.

48. During my visit I observed examples of close boarded timber fences to highway frontages of some properties elsewhere along Chester Road and the A5117. However, although the examples were comparable in scale, form and prominence to the appeal fence, they were some distance from the Appeal B site and in locations where a greater variety of boundary treatments are evident. In any case, examples of existing fences which I consider to have an adverse effect upon the rural character of the countryside are not a precedent which justifies the harmful proposal before me.
49. The climbing frame is set back within the site and as previously mentioned, it has limited prominence due to the screening afforded by the existing hedgerow and fencing. It would only be glimpsed at distance above hedgerows from higher land levels on the south western approach along Chester Road. From those perspectives it would be viewed against the backdrop of other buildings in Horns Farm and therefore, would not be an intrusive or conspicuous feature. Consequently, it would have little impact upon the character and appearance of its rural setting. However, the absence of harm in that respect does not justify the impact of the fence that I have identified.
50. Having regard to all of the above, I conclude that the proposal in Appeal B significantly harms the character and appearance of the area. The proposal, therefore, conflicts with Policies STRAT9, ENV2 and ENV6 of the LP Part One and the Framework in that respect.

Other considerations

51. The boundary fence offers benefits in terms of enhancing the security of use of the land for recreational purposes, including unsupervised play for children given the proximity to Chester Road. However, taking account of the presence of hedgerows along the majority of the existing boundary and the ability to secure the existing access with less intrusive forms of development, the benefits in that respect are afforded only limited weight.
52. There would also be potential benefits of recreational use of the land for residents of and visitors to Horns Farm, which would potentially reduce the need to travel by car to more distant parks and other outdoor recreational opportunities in Cheshire and beyond. However, to my mind, such benefits carry only limited weight based on the level of potential occupancy of the surrounding buildings and the absence of wider public access.
53. The appellant has referred to a fallback position of the land being used for domestic purposes under permitted development rights for 28 days of the year, but such matters are afforded little weight as they would not result in the harm associated with the proposal that I have identified. Similarly, the possibility of alternative forms of fencing to be erected in other locations within the site utilising permitted development rights would not replicate nor justifies the harm arising from the fencing subject of this appeal.

Planning balance

54. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. There would be associated harm arising from the Appeal B

proposal upon the openness of the Green Belt. In addition, I have also found that the Appeal B proposal significantly harms the character and appearance of the area. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

55. Having regard to the other considerations relating to Appeal B as previously set out, I find that, when taken together, they do not clearly outweigh the substantial weight to be given to the harm to the Green Belt by reason of inappropriate development and the associated harm upon openness. Consequently, the very special circumstances necessary to justify the development in Appeal B do not exist.
56. The material considerations do not indicate that the proposal should be determined other than in accordance with the development plan. The harm identified in Green Belt terms, together with the additional harm to the character and appearance of the area, are significant and overriding factors which reflect conflict with the development plan and the Framework when taken as a whole, and necessitate dismissal of Appeal B.

Conclusions

Appeal A

57. For the reasons given above and having regard to all other matters raised, I conclude that Appeal A should be dismissed.

Appeal B

58. For the reasons given above and having regard to all other matters raised, I conclude that Appeal B should be dismissed.

Gareth Wildgoose

INSPECTOR