



Appeal Decision

Site visit made on 24 February 2025

by Mr Cullum Parker BA(Hons) PGCert MA FRGS MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 10 April 2025

Appeal Ref: APP/D0840/W/24/3353286

Land adjacent Botallack Vean, Botallack, St Just TR19 7QQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (TCPA) against a refusal to grant planning permission.
 - The appeal is made by Mr M and Mrs J Morris against the decision of Cornwall Council.
 - The application Ref PA24/01591, dated 27 February 2024, was refused by notice dated 24 June 2024.
 - The development proposed is described as '*Construction of dwelling*'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) Whether the proposed dwelling would be acceptable in terms of its location, including in terms of the designated Cornwall National Landscape and;
 - ii) The effect of the proposal on heritage assets; including the UNESCO World Heritage Site, Schedule Monument, Listed Buildings, and Conservation Area.

Policy Context

3. The adopted development plan for the appeal area comprises the *Cornwall Local Plan – Strategic Policies 2010-2030*¹ (adopted November 2016) (LP), the *Climate Emergency Development Plan Document February 2023* (CEDPD), and the *St Just-in-Penwith Parish Neighbourhood Plan 2021-2030*² (made February 2022) (NP).
4. Also of relevance, as material considerations, are the documents the *Cornwall and West Devon Mining Landscape World Heritage Site Management Plan 2020 – 2025* (WHSMP)³ and the *Cornwall AONB Management Plan 2022 – 2027* (AONBMP), and the *National Planning Policy Framework* (the Framework).
5. In December 2024 the government published a revised version of the Framework. In February 2025 this was amended to provide further clarity –

¹ Also known as Towl leel Kernow – Policis Stratejek 2010-2030

² Also known as St Just & Pendeen Neighbourhood Plan

³ Tyller Ertach an Bys Balweyth Kernow ha Dewnens West Towl Dyghtya 2020-2025

primarily around Paragraph 11 and related footnotes. The Framework is an important material consideration and I have taken into account in this decision.

6. Since 1988, there been a number of changes in local and national planning policy. It is important to apply the most recent iterations of such documents in determining the appeal, as I have done here. Furthermore, since 1988, the wider area of the site has been designated as part of the Cornwall and West Devon Mining Landscape World Heritage Site (WHS) (in 2006).

Reasons

Background

7. Permission is sought for the erection of a new dwelling. As shown on the submitted drawings, this comprises a single storey dwelling in a u-shaped configuration. Internally it would have three bedrooms with ensembles, kitchen, utility and living/dining rooms⁴. There would be a three bay external building housing a plant room, wood store and garden store. External facing materials shown indicate the use of local stone slate roof and local granite to match surrounding buildings⁵.
8. The detailed history of the site is provided in the written evidence of the main parties. I do not, therefore, repeat the full details here. Nonetheless, I have taken it into account. In particular, I note the following recent history⁶:
 - PA23/00277: Application for a certificate of lawfulness for the proposed use confirmation of commencement in relation to decision notice W1/90/P/0082 dated 06/03/1990 – Granted on 14th February 2023.
 - W1/90/P/0082: Construction of agricultural bungalow & installation of septic tank Head No(s): 88807 ('Reserved Matters') – Approved with conditions on 6th March 1990.
 - W1/88/P/0807: Outline Planning Application for Construction of **Agricultural Dwelling** and Septic Tank – Approved with conditions in October 1988.

Condition (5) of the 1988 permission stated that '*The occupation of the dwelling shall be limited to a person wholly or mainly employed, or last wholly or mainly employed, locally in **agriculture** as defined in Section 290(1) of the Town and Country Planning Act, 1971, or forestry or a dependent of such person residing with him (but including a widow or widower of such a person).*' Reason: '*The site is within a rural area in which it is intended to provide primarily for the needs of agriculture*'.

Matter of fallback

9. The permission granted in 1988 has 'commenced'. This position has been confirmed by the Lawful Development Certificate (LDC) in 2023. As such, there remains a 'fallback' position in that the 1988 permission⁷ could be fully implemented in accordance with that planning permission.

⁴ See drawing Proposed Floor Plans, 23109-PL-07 dated 11/23

⁵ Drawing labelled Proposed Elevations, 23109-PL-09 Rev 01

⁶ Appellant's Statement of Case, paragraph 4.1.1

⁷ I use the term '1988 permission' to include both the outline permission and the reserved matters approval.

10. The 1988 permission included a condition that restricted occupancy to agricultural workers. This is further evidenced by the LDC⁸ which indicates that the matter was deemed lawful;

*'On the basis of the submitted evidence from the applicant and the local planning authority's own evidence it is concluded that 1/88/P/0807/O, i.e. construction of **agricultural** bungalow and septic tank, and the subsequent reserved matters 1/90/P/0082/S have been lawfully implemented.'*⁹

11. Therefore, considering the 1988 permission, the 1990 reserved matters approval and the 2023 LDC together, it is clear that the description of development and the operative part of the permission give permission for an 'agricultural dwelling' as that was the description used in the 1988 planning permission which cannot be changed (nor is there any indication that it has been changed by other means). Furthermore, there is nothing before me which indicates that condition 5 of the 1988 permission has been removed. It therefore remains extant.
12. The result of this is that the logical manner in which to consider the development permitted in 1988 – whether by the description of what planning permission has been granted for and/or the imposed condition 5 – is that scheme can only be considered as an agricultural dwelling.
13. The Appellant has drawn my attention to two appeal decisions in their Appendices 5 (ref 3229764, from 2019) and 6 (ref 2194132, from 2013). Whilst I do not have the full details of those cases, it is evident that there are some significant differences. In the 2019 decision, in Cornwall, the description of development does not appear to refer to an 'agricultural dwelling' as is the case in the appeal here.
14. The 2013 appeal, in Wiltshire, whilst including a reference to agricultural building in the description of development, predates recent caselaw judgements, which are publicly available, such as *John Leslie Finney v Welsh Ministers & Carmarthenshire County Council*, *Energiekontor (Uk) Limited* 2019 and *Fiske v Test Valley BC & Woodington Solar Limited*.
15. For those reasons, I do not consider that these two appeal decisions provide justification from departing from the position that the 1988 permission affords. That being; an agricultural dwelling and septic tank could be erected on the appeal site.
16. Furthermore, it is not within my remit in considering the appeal scheme under s78 of the TCPA, to be considering whether or not condition 5 of the 1988 permission meets the 'tests' set out in Paragraph 57 of the Framework. Instead, it is to consider the appeal scheme before me which seeks to erect a dwellinghouse unencumbered by such condition, restriction, or control in terms of occupancy.
17. The Appellant has made it clear that if the appeal were not allowed and dismissed, they intend to build out the 1988 planning permission. This would result in the erection of an agricultural dwelling and septic tank in accordance with the 1988 planning permission.

⁸ Appendix 4 PA23/00277 Decision Notice, of Appellant's Statement of Case

⁹ My emphasis

18. During my site inspection I saw that the approved proposal from 1988 has not been built out in its entirety. Indeed, much of the appeal site would appear as little more than a field with some minor features and plants to most people. Accordingly, the proposal in this case cannot be considered to be a 'replacement dwelling'. That is because if there is no building on site, then the proposal is not 'replacing' anything.
19. The Appellant relies upon the commencement of this 1988 permission (together with the LDC) and that the present appeal scheme, in effect, acts as a 'substitute' for that permission. In other words, given that the original 1988 permission and the appeal scheme cannot both be built out, if permission were forthcoming in respect of the appeal scheme here, it would 'substitute' the 1988 permission, but both with a different design and without the restrictive agricultural occupancy condition attached.
20. In terms of the weight attributed to the 1988 permission as a 'fallback' position, I afford this very limited weight as a material consideration. That is because whilst it could be built out in accordance with the permission granted around 37 years ago, very little visible work appears to have taken place on site. Moreover, a building erected under the terms of the 1988 could only be an agricultural dwelling – either because of the description and/or operative part of the permission, or because of the restrictions imposed by condition 5, which remains extant.
21. I note the Appellant considers the restrictive condition on the 1988 permission could be removed. However, it is not possible to foretell what the outcome of any such application or decision on that matter might be – and consideration would need to be had to the matter of the description for which permission was granted for, as detailed above. As such I have proceeded in considering the appeal scheme giving very limited weight to the fallback position.
22. I have taken into account the Appellant's point relating to the caselaw of *Mansell v Tonbridge and Malling Borough Council* 2017 and *Formby Parish Council v Sefton Council* 2022. These relates to permitted development rights and that the prospect of something happening as a fallback met the minimum standard of possibility so as to amount to a material consideration. I have found that the fallback position in this case is a material consideration, but I do not afford it the 'equal to what is proposed' weight that the Appellant suggests¹⁰. Instead I afford it very limited weight, for the aforesaid reasons.

Location

23. The appeal site is located close to Botallack; a small settlement extending along and to the west of the present B3306 St Just – St Ives road. There is a lane leading from the north end of the village to Botallack Manor (a Grade II* listed building) together with its outbuildings (Grade II listed) becoming a Byway Open to All Traffic (BOAT) (114/117) beyond the Manor and leading out into an area of former mine workings.
24. Botallack Manor marks the extent of the Botallack Conservation Area which principally covers the village. The appeal site is a parcel of land located around 170m to the north-west of Botallack Manor between a single storied building

¹⁰ Appellant Statement of Case, page 15, paragraph 7.2.10

and the Botallack Mine Count House (Grade II listed) and its complex of associated buildings.

25. The appeal site is within the St Just Mining District of the Cornwall and West Devon Mining Landscape World Heritage Site (WHS), and the West Cornwall section of the Cornwall National Landscape (CNL) (formerly AONB) which is a rugged and exposed ancient landscape overlain with mining remains. It also lies within designated 'Heritage Coast'.
26. Whilst the appeal site lies between the buildings of Botallack Vean and Count House Cottage (with The Count House slightly further on to the north), informed by the facts on the ground, it would not be located within an existing settlement. Instead, as I saw from my site inspection, the site is within the countryside. Given that the appeal scheme is not a replacement dwelling (for the reasons given in the fallback section of this letter) nor would it be for an agricultural worker, the proposal would conflict with Policy 7 of the LP.
27. It is unclear as to how the proposed development, which would introduce new occupiers and built form into relatively undeveloped countryside, would relate positively to the role and function of places. Indeed, there is little justification as to why the proposal needs to be located in this location.
28. In this respect, it is important to note that the site lies within a designated Heritage Coast. The glossary of the Framework indicates that these are 'areas of undeveloped coastline which are managed to conserve their natural beauty and, where appropriate, to improve accessibility for visitors.' The proposal would introduce built form in an area outside a 'main settlement' and for which no justification for it requiring a coastal location or that it could not be achieved elsewhere, has been provided.

National Landscape

29. With regard to the Cornwall National Landscape¹¹ (CNL), the statutory purpose of the designation is to conserve and enhance the natural beauty of the area, and planning policy and material considerations related to this require that development within the Cornwall National Landscape deliver this purpose.
30. Section 245 of the *Levelling Up and Regeneration Act 2023* (LURA) requires 'relevant authorities' to 'seek to further the purposes of the designation'. This is an active duty rather than the former passive duty.
31. In this instance, the proposal would introduce a new dwelling into the CNL. This would essentially be an ahistorical dwelling on the appeal site, which, whilst of generally sympathetic materials, would nonetheless introduce further built form into what is a large undeveloped and open coastal area.
32. Where there is visible evidence of built form, this is typically restricted to either buildings and structures associated with the former tin mining operations in this area or small clusters of dwellings in settlements such as Botallack or St Just. As such, through the introduction of built form the proposal is not appropriately located. Furthermore, through the introduction of a new residential dwellinghouse with its associated domestic paraphernalia and activity, it would result in harm to the character and appearance of the countryside and the CNL by eroding its natural beauty.

¹¹ Formerly known as Area of Outstanding Natural Beauty (AONB)

33. Whilst noting the fallback position, whereby a dwelling could be erected on the site, this would be intrinsically linked to agricultural activities on the appeal site. These are activities which, at the time of the 1988 permission, needed to take place in that location. In contrast, the appeal scheme is not one that necessarily needs to take place in this location as it is for an unencumbered residential dwelling. In failing to conserve and enhance the natural beauty of the area, the proposal fails to seek to further the purposes of the designation and therefore the CNL.

Summary on location issue

34. I therefore find that the proposed development would conflict with Policy 7 of the LP as it would represent a new home in the open countryside, without meeting the special circumstances set out in the policies. For similar reasons, it would conflict with Policy 3 of the LP and Policy AH6 of the NP in respect of its location in the countryside.
35. It would also conflict with Policy 1, Policy 2, Policy 3, Policy 7, and Policy 23 of the LP, and Policy C1 of the CEDPD, which, amongst other aims, seek to require that developments recognise and respects landscape character, and which seek to apply the presumption in favour of sustainable development. It would also conflict with Policy 23 of the LP in terms of being located in an undeveloped coast and it has not been justified as to why it needs or requires a coastal location, and that such outcome cannot be achieved elsewhere.
36. In terms of the CNL, it would also conflict with Policies PD-P1, PD-P2 and PD-P11 of the AONBMP, which is a material consideration. Amongst other aims, these policies seek to require developments in the AONB/CNL to be sustainable developments that meet a number of criteria, including supporting the conservation of the historic environment. These policies also set out that proposals should adopt a landscape-led approach in order to conserve and enhance the natural beauty of the AONB/CNL.
37. The proposal would also conflict with the Policies of the Framework including:
- Paragraph 135 c) in terms of planning decisions should ensure that developments are sympathetic to local character and history;
- Paragraph 187 a), b), c) in which planning decisions should contribute and enhance the natural and local environment by protecting and enhancing valued landscapes, recognise the intrinsic character and beauty of the countryside, and maintain the character of the undeveloped coast; and
- Paragraph 189 which indicates that great weight should be given to conserving and enhancing landscape and scenic beauty in National Landscapes which have the highest status of protection in relation to these issues.
38. The proposal would also conflict with Paragraph 191 of the Framework, which indicates that within areas defined as Heritage Coast decisions should be consistent with the special character of the area and the importance of its conservation. However, it also indicates that this only applies when Heritage Coast does not already fall within one of the designated areas mentioned in Paragraph 189. Given the proposal falls into one of those areas covered by that Paragraph, reference to Paragraph 191 here is included for clarity.

Heritage Assets

39. The principal heritage assets in this case are:

- the UNESCO World Heritage Site of the St Just Mining District of the Cornwall and West Devon Mining Landscape (herein WHS);
- the Listed Buildings of the Botallack Mine Count House (II), Botallack Manor (II*) and its outbuildings (II);
- the Scheduled Monument of the calciner, including a labyrinthine series of tunnels used to extract Arsenic by the roasting of tin ore;
- the Botallack Conservation Area whose boundary is around 155 metres from the site.

40. The significance of the WHS, the Listed Buildings and the Scheduled Monument derive from their ability to both inform and educate current and future generations on the mining heritage of Cornwall. In particular, it is possible to see the inter-relationship between the mines, the engine houses, and the related buildings such as the Count House. It is also possible to see and understand how that inter-relationship was a key aspect of the mining operations taking place within this part of WHS. The physical remains are relics which act as reminder of the rich cultural heritage of this part of Britain, and its industrial connection with the wider world through the mining of metals such as tin for hundreds of years.

41. The WHSMP indicates that the appeal site lies within Area A1 St Just Mining District. It indicates that *'This coastal mining district includes eighteenth and nineteenth century submarine tin and copper mines, the town of St Just and dispersed mining villages with associated mineworkers' smallholdings'*¹².

42. Of Botallack Mine, to which the site is in close proximity to;

'Botallack is probably one of the most recognisable mine sites in Britain with the iconic cliff-side engine houses of the Crowns Section (pumping 1835 and winding circa 1860, Grade II Listed) being a perpetual draw for walkers and landscape photographers since the Victorian era.

*At the top of the cliff slope there are the remains of one of the finest surviving arsenic works in Britain with remarkable extant flues and a large double-bayed labyrinth (Scheduled Monument). The chimney dates from an earlier working (it was associated with a former mine stamps engine). The tin dressing floors that survive in the surrounding landscape show the evolution of mineral processing technologies from small-scale eighteenth century earthworks to the conspicuous concrete remains dating from the mine's reworking in 1906. The mine also retains its imposing Count House (Grade II Listed), where the business of the mine would have been undertaken.'*¹³

43. The appeal scheme would introduce a new dwelling into what is currently an area of open land, partly enclosed by post and wire fencing. I saw during my site inspection that due to the siting and layout of the proposed dwelling it would impede views when travelling along the access track to the west of the site which traverse from the settlement of Botallack and The Count House.

¹² WHSMP, page 25

¹³ WHSMP, page 27

Currently, within this view, people are able to see the chimneys of Jacob's mine (to the west of The Count House) and another chimney located to the north of the National Trust car park. How these heritage assets and by extension this part of the WHS, are experienced by visitors would drastically change.

44. Instead of an area of open land between Botallack Vean and Count House Cottage, there would be a u-shaped bungalow. This would have not only an adverse visual impact, but it would appear as a discordant addition at odds with the prevailing character of development in this area. This contrast is further highlighted by the fact that the new dwelling would have no functional link or relationship to its world-significant heritage context, with this primarily limited to its aesthetics with the proposed use of local materials.
45. However, even in this respect, the proposed u-shape plan form of the building is discordant when compared with historic maps. This is evident by comparing the proposed plan form against Figure 5¹⁴ of the Appellant's *Design, Accessibility & Planning Appraisal – including Heritage Impact Assessment*, dated February 2024. In that map, from 1892-1914, it appears to show a feature labelled as 'old shaft', which comprises a long rectangular shape and attached shorter but wider rectangle. If that was a building in the late 1800s, then the plan form of the proposed dwelling fails to reflect that.
46. Even if that were not the case, when looking on the site plan and on site it is possible to see Botallack Vean and The Count House and Count Cottage, all of which have rectilinear plan forms rather than u-shaped. As such, the plan form proposed, which the Appellant suggests reflects a style of agricultural building¹⁵, would instead visibly detract and contrast with the historic built form in close proximity to appeal site.
47. Moreover, its residential use would introduce a building with a domestic character and with domestic activity occurring at it and within its grounds. This domestic character would be especially prominent given the area of hardstanding for parking to the front of the site and the reasonable likelihood of domestic paraphernalia¹⁶ being visible within the grounds of the appeal site, and also from and to nearby heritage assets. At night, the new building would be likely to result in increased light pollution as occupiers seek to illuminate internal and external areas and rooms. This would contrast with the absence of light on the site at present, and become especially apparent during the darker months of the year.
48. The proposed dwelling would not replicate an historic building previously on the site. Rather, it would function as an incongruent feature at variance with the rich mining history within the WHS. In doing so, it would erode the authenticity of this part of the WHS by being an alien introduction of a domestic residence. Authenticity of the WHS is a key factor in its Outstanding Universal Value (OUV) and Significance, as identified in the WHSMP¹⁷.
49. I note that within Botallack itself there have been detached dwellings erected which have resulted in some change in the character of settlement (given that typically small rows of terraces would usually be for residents in the 1800s

¹⁴ Design, Accessibility & Planning Appraisal – including Heritage Impact Assessment, dated February 2024, page 22

¹⁵ Ibid.

¹⁶ For example washing lines or outdoor seating.

¹⁷ WHSMP, page 18

- mining heyday). However, those are generally found within settlement itself, which is located a short, and further, distance from the Botallack Mine.
50. Under s66(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990*, as amended, (PLBCAA), I am required to have special regard to the desirability of preserving the settings of listed buildings. Whilst not covered in legislative terms, I have also taken into account the potential effect on the setting of the Scheduled Monument (SM) as a designated heritage asset.
51. For similar reasons to those in the case of the WHS, I find that the proposal would harm the setting of the listed buildings under the duty of s66(1) and in terms of the SM. This is because these heritage assets are an integral part of understanding the former mining activities that took place on the site, and how they are experienced would demonstrably change by the introduction of an alien built form in a location which makes little historical sense. The proposed development would therefore fail to preserve the setting of the nearby listed buildings.
52. In terms of the Botallack Conservation Area, this is located around 155 metres from the appeal site. Its significance appears to derive from the fact it covers the settlement of Botallack, which formerly housed many of the miners and their families, either working in or supporting the operations, of the mines. Given the distances involved and the intervening Botallack Vein and vegetation I do not find that the proposal would result in harm to the setting of the Conservation Area as a designated heritage asset.

Summary on heritage matters

53. The proposal would result in a negative impact on the WHS, the setting of the SM, and the setting of the listed buildings. Furthermore, the proposal would fail to preserve the special interest of the listed buildings through harm to their setting. Paragraph 212 of the Framework sets out that great weight should be given to the asset's conservation, and the more important the asset, the greater the weight should be.
54. The assets in this case include a World Heritage Site¹⁸, a Schedule Monument, and the setting of Grades II* and II Listed Buildings. This harm would be no greater than less than substantial harm, as set out in Paragraph 215 of the Framework; albeit to a moderate level within the context of its immediate surroundings and where there are visual and experiential connections with the nearby heritage assets or their features.
55. Nonetheless, considerable weight should be given to the desire to conserve heritage assets and their settings. Paragraph 215 of the Framework indicates that where less than substantial harm to heritage assets is identified, this should be weighed against the public benefits of the proposal. The public benefits in this case include the provision of a single dwelling house where there is a national housing crisis.
56. I also note the view of the Appellant¹⁹, as supported by the National Trust in their written representation, that the appeal scheme represents a visual improvement on the 1988 permission. However, this does not address or overcome the fundamental issue that the appeal scheme before me is

¹⁸ See Paragraph 202 of the Framework, which indicates that WHS are of the highest significance.

¹⁹ Appellant's *Statement of Case*, page 25

unacceptable for a number of reasons. For clarity, if the appearance of the proposed building is a public benefit, and notwithstanding my considerations regarding fallback above, I afford this limited weight in favour of the proposal.

57. In either case, whether the National Trust / Appellant favoured appeal scheme design is a public benefit or not, I do not find that the public benefits suggested in this case outweigh the less than substantial harm identified. Accordingly, the proposal would conflict with the Conserving and Enhancing the Historic Environment Policies of the Framework set out in Section 16.
58. For similar reasons, the proposal would conflict with Policy 24 of the LP, which, amongst other aims, seek to sustain the cultural distinctiveness and significance of Cornwall's historic rural and coastal environment by protecting, conserving and where appropriate enhancing the significance of designated and non-designated heritage assets. This policy also seeks that development within the WHS should accord with the WHSMP.
59. The proposal would also not accord with Policy AD3 and Policy AD4 of the NP, which, amongst other aims, seeks to ensure that developments within Area 1 of the Cornish Mining WHS must demonstrate that they follow the guidance set out in the WHSMP and they will not negatively impact on components of the WHS, including those that are currently undesignated, which contribute to its Outstanding Universal Value (OUV). Policy AD3 also sets out that proposals for developments within the Parish which have the potential to impact on heritage assets or their settings will only be supported where they meet certain criteria; which have not been met in this case.
60. As a material consideration, the proposed development would also conflict with Policy P3, C2, and C9 of the WHSMP, which, amongst other aims, seek to ensure that new developments protect, conserve and enhance the WHS and its setting, that new development will add to the quality and distinctiveness of the WHS, and that the historic character and distinctiveness of the Cornwall and Devon Mining Landscape will be maintained.
61. As a material consideration, the proposal would conflict with Policy PD-P11 of the AONBMP, which, amongst other aims, seeks to ensure that development supports the conservation of the historic environment as a whole.

Other Matters

62. In their rebuttal, the Appellant has cited an appeal decision ref 3340224, from November 2024. However, this relates to the conversion of a barn near Pendeen. The proposal in this case is to erect a new dwellinghouse. The circumstances therein are different to those in this case, I therefore afford this minimal weight.

Planning Balance

63. Section 38(6) of the PCPA 2004, sets out that if regard is to be had to the development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
64. In this case, I have found that the proposal would conflict with a number of policies within the adopted LP, the CEDPD, and the relevant made NP. When considered as a whole, I find that the proposal would not accord with the development for the area.

65. Turning to material considerations, these include the fallback position and some design or aesthetic benefits arising from the scheme which weigh in its favour. However, there are a number of material considerations which indicate that the appeal should be dismissed and the refusal of permission upheld.
66. These include; the policies of the Framework, the WHSMP, and the AONBMP. When the material considerations are taken into account, I find that they do not indicate a decision otherwise than in accordance with the adopted development plan for the area; which would be for the dismissal of the appeal for the previously mentioned reasons.

Conclusion

67. For the reasons given above, and having taken all matters into account, the appeal is dismissed.

C Parker

INSPECTOR