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## Appeal Decision

Site visit made on 17 June 2019

**by Zoe Raygen, Dip URP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 5<sup>th</sup> July 2019**

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**Appeal Ref: APP/J0540/W/18/3215519**

**Cranmore House, Thorney Road, Eye, PE6 7UB**

- 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 Toby Tarrant-Willis against the decision of Peterborough City Council.
  - The application Ref: 18/01178/FUL dated 29 June 2018, was refused by notice dated 15 October 2018.
  - The development proposed is demolition of an existing house and outbuildings and erection of 22 dwellings with associated access and parking provision.
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### Decision

1. The appeal is dismissed.

### Procedural matter

2. The person who submitted the original planning application to the Council has confirmed in writing that he is content that the appeal continues under the name of the new owner of the appeal site. I have proceeded on that basis.
3. The Consultation on the Peterborough Local Plan 2016 to 2036 (Submission) (hereafter referred to as the LP) took place in January and February 2018. The LP was submitted to the Secretary of State on 26 March 2018. A Planning Inspector has been appointed and the LP has been through the Examination stage, which established that the LP was 'sound', provided that certain modifications are incorporated. The Council advise that it is anticipated that the LP will be adopted by full Council on 24 July 2019. Until that time policies in the Peterborough Local Development Framework Core Strategy Development Plan Document 2011 (the CS) and the Peterborough Site allocations Development Plan Document 2012 (the DPD) remain relevant.
4. As part of the appeal the appellant has submitted revised plans AP0103 P05, AP0115 P04 and AP0803 P04 (the revised plans), regarding amendments to plot 13 and the road layout. I return to these plans later in my decision.
5. At my request the Council submitted a Community Infrastructure Levy Regulations 2010 (CIL) compliance statement regarding its requested open space contributions. I have taken this into account in my decision.

## Background and Main Issues

6. In 2014 outline planning permission was granted for the erection of up to 14 dwellings including the demolition of the existing house and outbuildings on the appeal site<sup>1</sup>. Furthermore, the appeal site lies within the village settlement boundary of Eye which is designated under policy CS2 in the CS as a 'Key Service Centre'. I saw that the site is located in close proximity to services and facilities necessary to meet the day to day needs of future occupiers. Therefore, I am satisfied that it is within an accessible location for residential development in accordance with policy PP1 of the DPD. Moreover, it is also allocated for residential development within the LP.
7. Within that context the main issues are:
- The effect of the proposal on the character and appearance of the area;
  - whether or not the proposal would provide appropriate living conditions for future residents with particular regard to noise;
  - the effect of the proposal on the living conditions of occupiers of Alpine Lodge, 70-80 Millport Drive, 43 Thorney Road and 63 Millport Drive with particular regard to outlook, light and privacy;
  - whether or not the proposal provides appropriate surface water or foul drainage facilities;
  - the effect of the proposal on biodiversity with particular regard to trees and hedges;
  - whether or not the proposal makes appropriate provision for refuse collection;
  - the effect of the proposal on highway safety, and
  - whether or not the proposal makes appropriate provision for affordable housing and open space

## Reasons

### *Character and appearance*

8. The appeal site is near to the edge of Eye a village surrounded by open countryside. To the south and west are relatively new houses, mostly two storeys in height I did see some houses that are 2.5 storeys high, but these are integrated well within the developments and do not dominate the street scene. Also, to the south is a caravan site. To the east is Alpine Lodge formed from a number of buildings including dwellings. Beyond that is Dalmark Seeds with large industrial buildings set back from the road allowing views along Thorney Road. Therefore, the area is mostly characterised by modest scale buildings located away from the road giving an open spacious appearance to the area on the edge of the village. This is reinforced by boundary treatment which is mainly formed from hedgerow or modest brick walls and railings.
9. The appeal site contains a small holding, a two storey house which has been extended, and associated outbuildings/farm buildings and a paddock area to

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<sup>1</sup> 14/01122/OUT (the 2014 planning permission)

the rear of the site. The buildings are currently vacant. At the time of my site visit there were also a number of cars on the appeal site. In its current disused state therefore the appeal site contributes little to the character and appearance of the area.

10. As part of the noise mitigation measures the appellant proposes that a 3.6 metre high acoustic fence be provided along the eastern boundary of the appeal site. I accept that the fence to the rear of the site adjacent to the Dalmark Seeds building and the adjacent tree hedge is unlikely to be particularly prominent within the street scene. However, I saw that the existing fence on the remainder of the eastern boundary, adjacent to Alpine Lodge, is visible and is formed from a close boarded fence of about 2 metres in height. The proposed high, solid fence would, in this location be particularly dominant from the road and untypical of other boundary treatment in the area harming the open character. While landscaping could be planted to screen the fence, this would take some time to establish.
11. The appellant suggests that the Council advised that a block of two-storey buildings be used as a sound barrier against Dalmark Seeds which would be higher than a 3.6 metre fence. However, the Council clarify that this would be at the rear of the site adjacent to the building. In addition, point 4 of its email response regarding the appellant's proposed scheme makes it clear that the 3.6 metres acoustic fence would not be acceptable.
12. The appellant considers that the height of the fence could be reduced adjacent to Alpine Lodge due to noise levels being reduced in this area. However, I have seen no substantive evidence of this, and I have determined the appeal based on the plans before me.
13. The proposed houses would be mainly 2.5 storeys in height and have a strong vertical emphasis with a visually narrow and proportionately tall design. The design of the houses in itself is not particularly offensive, and suitable materials could be used in their construction. However, the obviously different proportion and design to surrounding houses means that they would be particularly incongruous and dominant and fail to integrate comfortably within the streetscene, particularly on the edge of the village. This would be exacerbated by the siting of houses of 2.5 storey in height relatively close to the main road in the format of linked detached houses presenting a blank gable elevation to Thorney Road. I saw that some houses on the surrounding new housing development have a gable facing the road. However, these mostly included some detailing, and, in any case, the vast majority of houses display some detail and fenestration to the road creating an active frontage. I have given some consideration as to whether a condition could be imposed seeking the installation of a window in the elevation facing Thorney Road. However, it is not just the blank elevation which I have found harmful, but also the design and proportion of the houses in the context of their location and relationship to the character of the area.
14. If the houses were to front Thorney Road, I have seen no substantive evidence to suggest that this would be harmful to highway safety or that the occupiers would experience unacceptable levels of noise that would be any different to that which would be experienced by residents in the scheme as proposed.
15. The site is not within a Conservation Area or an Area of Special Character. However, both local Policies and the National Planning Policy Framework

(Framework) support the provision of high quality design which reflects local distinctiveness, which this scheme does not achieve. While the redevelopment of the site would improve its appearance, I am mindful that this could be achieved by a scheme that was not so harmful to the character and appearance of the area.

16. For the reasons above, I conclude that the proposal would be harmful to the character and appearance of the area. It would therefore be contrary to Policy CS16 of the (the CS) and Policy PP2 of the (the DPD). These require, amongst other things that development is of a high quality and inclusive design that responds appropriately to the particular character of the site and its surroundings and enhances local distinctiveness.

#### *Living conditions*

17. While Alpine Lodge includes buildings in a mixture of uses, there are two mobile homes which are located adjacent to the eastern boundary with the appeal site. Both homes have a number of clear glazed windows on their western elevations facing towards the appeal site with an open view above the existing timber fence. These mobile homes are different to those described and shown within photographs from the appellant. I am advised by the Council that the siting of these two mobile homes does not appear to be in breach of the relevant planning permission<sup>2</sup> and therefore I have assessed the proposal based on the current site circumstances.
18. The provision of a 3.6 metre high fence on this boundary, in such close proximity to the windows would have an unacceptable enclosing and overbearing effect on the outlook from the windows. Even if the fence were to be reduced to 2 metres in height then the occupiers of the mobile homes would be able to look directly into the gardens of the houses of proposed plots 19-22. In addition, occupiers of the proposed houses would be able to look into the windows of the mobile homes, particularly from their gardens. Consequently, this would not be an acceptable solution.
19. Nos 70-80 Millport Drive and 43 Thorney Road are two storey houses which have clear glazed windows in their rear elevations facing the appeal site. The proposal includes the erection of houses on plots 2-9 most of which would be 2.5 storey in height and would be sited within 21 metres of the existing properties. The Council advise that the distances involved are as follows: Plots 2 and 3 would have a separation distance of 20 metres and 19 metres respectively to No. 43 Thorney Road and 80 Millport Drive, Plot 4 would have a separation distance of 19m to 78 Millport Drive, and Plot 5 would have a separation distance of 16.5m to 76 Millport Drive. Plots 6 and 7 would have a separation distance of 19.5m and 20m respectively to No. 74 Millport Drive, and Plots 8 and 9 would have a separation distance of 20m to 72 and 70 Millport Drive respectively. These measurements have not been disputed by the appellant. The Council advises that it generally applies a back to back separation distance of 21 metres between principal facing windows to avoid any loss of privacy. I am not advised though that this is part of any established Policy or Guidance.
20. From my observations on site, while I note the slightly reduced separation distances from what the Council would generally accept, I am not convinced

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<sup>2</sup> App Ref: P1259/89

that those separation distances, marginally below the preferred 21 metre distance would be unacceptably harmful even though the proposed houses would, in the main, be 2.5 storey in height. However, the house at Plot 5 would be significantly below the suggested separation distance. I note the comments of the appellant regarding the provision of a garage in the garden of No 76. However, this would not sufficiently mitigate the loss of privacy between the upper windows of the properties and, given the proximity of the house on Plot 5 to the boundary of No 76, its private rear garden.

21. I note the examples provided by the appellant of what he considers to be a tight urban setting within adjacent developments, including three storey flats in close proximity to two storey housing. However, it is not clear if these were built at the same time as part of the same development which is different to the proposal here. In any case I have determined the appeal based on its own merits.
22. The appellant advises that the layout is very similar to that approved under the 2014 planning permission. However, I am advised by the Council that that permission relates to a scheme in outline form with all matters reserved for future consideration by the Council except for access. I also note that on an indicative layout supplied by the appellant that one of the closest houses is annotated as being 21 metres from the existing houses.
23. No 62 Millport Drive is a two storey house with a side gable adjacent to the western boundary of the appeal site. The side gable contains a small window and the rear elevation has clear glazed windows which have an outlook towards its rear garden. There is a difference in land levels between No 62 and the appeal site. The appellant states that the information submitted does not require any increase in building levels on the site. However, even if land levels were to remain as existing, there would be a high gable elevation very close to the boundary of No 62 extending for about 4.5 metres from its rear elevation. I appreciate that the occupiers of No 62 would still have an outlook to the west but, due to its height and width, the house would still have an unpleasantly enclosing and overbearing effect on the garden and on the outlook from the windows of No 62. In addition, due to the size of the proposed house and the orientation of the existing and proposed properties, it is likely that the rear private garden of No 62 would suffer an unacceptable reduction in light.
24. I appreciate that occupiers of neighbouring properties may not have objected to the proposal, however I have found harm based on the evidence before me and my observations on site.
25. Although at the time of my site visit the area seemed relatively quiet, I appreciate that this was a snap shot in time. Having regard to the appellant's Revised Environmental Noise Assessment Report 2018 (RENAR) and the comments of the Council's Environmental Health Officer (EHO) I am satisfied that at certain times of the year the industrial processes at the adjacent Dalmark Seeds complex would produce noise that typically commences between the hours of 0400 or 0500 seven days per week, and includes coming and going of large delivery vehicles, including and up to HGVs. Therefore, the noise would emanate in the day and night. I am mindful it is not uncommon to have commercial uses close to residential uses and the site has been accepted as suitable for residential use. I also appreciate that the industrial processes which create the loudest noise are not operating at all times, and at sometimes

it will be quiet as at the time of my site visit. However, it is important to ensure that any proposed layout provides acceptable living conditions for future residents at all times.

26. The RENAR concludes that that the assessment against British Standard (BS) 4142 shows that the predicted daytime Assessment Level at the worst affected plot with the proposed site layout is above the level regarded as resulting in a "significant observed adverse impact" during worst case operations on the adjacent Dalmark site. The predicted night-time Assessment Level at the worst affected plot with the proposed site layout is at the level regarded as resulting in a "significant observed adverse impact" during worst case operations on the adjacent Dalmark site.
27. The appellant's method of mitigation is to provide enhanced glazing and ventilation to ensure that noise levels within the properties would be at an acceptable level. I appreciate that the proposed glazing specification would attenuate the noise levels from Dalmark Seeds so that the relevant guidelines in both the World Health Organisation (WHO) Guideline Values for Community Noise (Reference 6) and British Standard 8233 regarding the level of noise in internal rooms would be met, however this would only be possible with the windows closed.
28. This means that there is a requirement for mechanical ventilation. The proposed ventilation is a Passive Fresh 90dB Acoustic for bedrooms of the worst affected plots and trickle vents for the living rooms. The noise level would mean that future residents would be forced to keep their windows closed for the majority of the time day and night when the industrial processes are occurring. To my mind however, in this rural location, residents would be likely to want to open their windows in fine weather (or would wish to do so at least occasionally). I am not persuaded therefore that, the reliance on having closed windows at all times in order to effectively mitigate noise from Dalmark Seeds would provide acceptable living conditions for all future occupiers.
29. While the appellant in his appeal statement suggests that some windows could be opened as they face away from the commercial development this is not reflected in the RENAR which states that the predicted internal noise levels are based upon the assumption that all windows fitted will be double glazed units and will be kept closed. Daytime levels have been measured with regard to facades featuring a living room and night time levels from those featuring a bedroom window. Taking account of the proposed house layouts this relates to most facades within the development. In addition, while the appellant states the Council's preference is for a single aspect building on the eastern boundary, that was based on a different scheme and therefore different relationship to the main source of noise. Moreover, while I appreciate that HGVs could use Thorney Road on a regular basis, the RENAR has taken account of this source of noise.
30. The appellant draws my attention to a recent planning permission for new flats in Kingston Town Centre<sup>3</sup> where mechanical ventilation was used as part of mitigation measures for noise that, from the evidence supplied, appears louder than that experienced at the appeal site. However, it is not clear the extent of the windows in that scheme which would require mechanical ventilation as opposed to the scheme before me which involves a significantly higher number

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<sup>3</sup> 18/12192/FUL



of dwellings. Furthermore, this appeal site is in a rural village rather than a town centre.

31. The garden areas for plots 14-18 would experience noise just on the threshold of causing serious annoyance according to the World Health Organisation Guidance. While I appreciate that there would be a significant area of Public Open Space on the appeal site residents would not be able to relax in privacy in this area as they would within their own rear garden space.
32. For the reasons above, I conclude that the proposal would be harmful to the living conditions of residential properties at Alpine Lodge, 62 and 76 Millport Drive and would not provide acceptable living conditions for future residents. It would therefore be in conflict with Policies CS16 of the CS and Policies PP3 and PP4 of the DPD. These require amongst other things that development does not result in an unacceptable impact on the amenities of occupiers of nearby properties and provides adequate internal space for the living needs of future occupiers.

#### *Drainage*

33. To support the planning application a Foul and Surface Water Drainage Strategy 2018 (FSWDS) was submitted which concludes that site run off and effluent can be drained in a sustainable manner without exacerbating flood risk elsewhere.
34. The North Level Internal Drainage Board, whose consent is required to discharge any surface water into any watercourse, has objected to the development. However, this appears to be based solely on the information available on the application form and not the more detailed contents of the FSWDS.
35. I have carefully considered comments received in relation to this issue, particularly in relation to the comments of the Council acting as Lead Local Flood Authority who has asked for further information. Some of this information has been submitted within the appeal, and I have seen no substantive evidence to demonstrate that such issues could not be satisfactorily dealt with and agreed by means of a condition imposed on any approval.
36. The reason for refusal also includes reference to further investigation and remediation being required with respect to contaminated land and controlled waters. However, no further evidence is supplied in this respect by the Council. I also note that the Environment Agency has no objection to the proposal subject to the addition of conditions on this issue. In addition, Anglian Water has no objection to the proposal subject to the imposition of a condition regarding foul water drainage.
37. For the reasons above therefore, subject to the imposition of suitably worded conditions, I conclude that the proposal would make adequate provision for foul and surface water drainage. There would therefore, be no conflict with Policy CS22 of the CS and Policy PP20 of the DPD which require, amongst other things, that all appropriate development should employ sustainable drainage systems (SUDS) to manage surface water run-off where technically feasible and appropriate to that part of the catchment and all new development must take into account the potential environmental impacts on water arising from

the development itself and any former use of the site, including, in particular, adverse effects arising from pollution.

### *Biodiversity*

38. Policy PP16 of the DPD states that for any proposed development with potential landscaping and/or biodiversity implications, the city council will require the submission of a site survey report with the planning application, identifying the landscape and biodiversity features of value on and adjoining the site. The layout and design of the development should be informed by and respond to the results of the survey.
39. The appellant has submitted a Tree Survey, Arboricultural Implications Assessment Report and Arboricultural Method Statement dated November 2013 (TS). No plans accompany the report, and from the comments of the appellant within his statement it appears that it is the report that accompanied the scheme that was the subject of the 2014 planning permission. The few trees on the site are also shown within the appellant's Preliminary Ecological Appraisal 2017 (PEA) together with the hedges on the eastern and northern boundaries. The TS advocated the removal of all of the trees on the site given their low value and poor form. It also reached the conclusion that it was not practical to construct or retain hedge Group A to the north of the site due to the requirement to remove large parts of it to facilitate the proposal at that time. The hedge and trees are not without merit as noted within the PEA which advocates their retention where possible.
40. This scheme is though different to that in the indicative layout which accompanied the 2014 scheme, particularly in relation to the quantum of development and its proximity to the hedge to the north and therefore circumstances have changed. Based on the evidence before me there has been no assessment of the effect of the current proposal on the native hedge or the trees, or any demonstration of how the layout and design of the development has been informed by and responds to the results of a survey. This omission means that it is therefore unclear what would be retained and what would need to be removed to facilitate the development and the consequent impact on biodiversity.
41. For the reasons above, I conclude that it has not been appropriately demonstrated that the proposal would not be harmful to biodiversity with particular regard to the rear hedge. The proposal is therefore in conflict with Policy PP16 of the DPD.
42. *Highway safety*
43. The Council's Waste collection team has objected on the basis that the submitted layout does not appear to show suitable access for a waste collection vehicle, whereby the vehicle has the ability to enter and exit the development site in forward gear, with the use of one, or multiple, turning areas. The RECAP Waste Management Guidance Supplementary Planning Document 2012 (SPD), states that the waste collection vehicle will not reverse more than 12m, collection crews will not traverse more than 25m to collect 2 wheeled bins, and residents should not be expected to pull bins more than 30 m from the edge of their property boundary to a point of collection.



44. While the layout of the highway may be similar to that approved under the 2014 planning permission, it is not exactly the same, and I have seen no substantive evidence to demonstrate that a refuse vehicle of the dimensions specified within the SPD could be accommodated within the proposal and safely enter and leave the site in a forward gear.
45. The Highways Authority (HA) raises no overall objection to the proposal but requested some changes to the internal layout of the road and the relationship of some plots to the road. The appellant submitted revised plans, but in light of the other issues raised by the Council, these were not considered by the HA and the application instead refused. The revised plans have been submitted as part of this appeal, but the Council has not commented on the revisions.
46. Even if I were to conclude that the revised plans successfully address the issues raised by the HA, this would not overcome the fundamental concern regarding the accessibility of the site by refuse vehicles.
47. For the reasons above I conclude that the proposal would be harmful to highway safety and therefore would be contrary to Policy CS14 of the CS, Policies PP12 and PP14 of the DPD and the SPD. Together these seek to provide appropriate provision for safe, convenient and sustainable access to, from and within the site by all user groups and avoid an unacceptable impact on highway safety.

#### *Infrastructure*

48. Policy CS12 of the CS states that planning permission will only be granted if it can be demonstrated that there is or will be sufficient infrastructure capacity to support and meet all the requirements arising from the proposed development and mitigate the impact of that development on existing community interests within environmental limits.
49. Policy CS08 of the CS states that on all development sites on which 15 or more dwellings are proposed the Council will seek provision, through negotiation, of 30% of the dwellings as affordable houses and 70% of any affordable dwellings to be in the form of social rented homes and 30% in the form of intermediate homes. On that basis there would be a requirement for seven of the dwellings to be affordable with five affordable rented homes and two intermediate tenure.
50. Policy CS08 goes on to state that the Council will negotiate with developers to secure affordable housing on the basis of the above targets but will consider the financial viability of any individual scheme (using a recognised viability model). While the appellant has submitted a viability assessment, the Council advise that it is based on HCEAT data, which has not been recognised by Homes England since about 2013/2014.
51. I have no substantive evidence to suggest either way the suitability of the HCEAT data or whether it could be easily transferred to another methodology. However, the submitted viability appraisal has limited evidence accompanying it, particularly with regard to the details of the abnormal costs associated with the developing the appeal site. Furthermore, I have seen little evidence of any attempt by the appellant to investigate any potential for grant funding to facilitate the delivery of affordable housing as suggested by the Council.

Therefore, based on the evidence before me I am unable to conclude that the proposal makes appropriate provision for affordable housing.

52. Policy CS19 of the CS states that all new residential development will make appropriate provision for, or improvements to, public green space, indoor and outdoor sports facilities and play facilities. Policy PP14 of the DPD states that all residential development within Use Classes C3 and C4 will be required to provide open space. The starting point for calculating the requirement will be the standards set out in Appendix B of the DPD. The proposal would provide satisfactory levels of on-site provision of Public Open Space in accordance with the standards. However, the Council has requested that the appellant pay contributions towards play facilities in Eye, allotments, and Eye Nature Reserve, as well as a five year maintenance contribution towards the public open space on the site in accordance with Policy PP14. On that basis, based on the evidence before me, I am satisfied that the proposed contributions meet the tests set out in Regulation 123 and 123 of the CIL Regulations and Paragraph 56 of the Framework.
53. The appellant has agreed to these requested contributions. While I have received a S106 agreement securing the payment of contributions it is not dated or signed by the Council. I am therefore unable to take it into account. I have had regard to the advice in the Planning Practice Guidance on whether the agreement could be secured by way of a condition<sup>4</sup>. It states that in exceptional circumstances a negatively worded condition requiring a planning obligation or other agreement to be entered into before certain development can commence may be appropriate in the case of more complex and strategically important development where there is clear evidence that the delivery of the development would otherwise be at serious risk. I am not convinced that the development is complex or strategically important or that its delivery would otherwise be at serious risk. Therefore, the contributions would need to be secured by way of a S106 Agreement and there is none before me. Accordingly, I have to conclude that the proposal does not make appropriate provision for open space provision.
54. For the reasons above, I conclude that the proposal does not makes appropriate provision for affordable housing and open space. It would therefore be contrary to Policies CS08, CS12 and CS19 of the CS and Policy PP14 of the DPD.

### **Other matters**

55. The appellant refers to what he considers to be a lack of engagement and unreasonable behaviour from the Council in determining the planning application the subject of this appeal. However, I have, as required, determined the appeal with reference to the planning issues raised.

### **Balancing and conclusion**

56. The proposal would deliver social and economic benefits by providing twenty-two new homes in an accessible location and partly on a previously developed site. In this respect, the development would make a modest contribution to meeting housing requirements and choice in the District whilst supporting local

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<sup>4</sup> PPG ID: 21a-010-20140306

- services and businesses. There would also be temporary economic benefits arising from the construction activity required to deliver the development.
57. While the houses could be designed to LifeTime Home standards and energy efficient, there is no evidence before me to suggest that a less harmful scheme could not achieve the same aims.
58. Although the site is not currently needed in order to ensure an adequate supply of deliverable housing sites, there is nothing in the Framework to suggest that the existence of a five year supply should be regarded as a restraint on further development. In this context, I attach moderate weight to the social and economic benefits identified based on the scale of development proposed.
59. The proposal would be harmful to the character and appearance of the area, and to resident's living conditions and would not provide acceptable living conditions for future residents with regard to noise. Furthermore, there would not be appropriate provision of open space or affordable housing, safe access for refuse vehicles and the impact of the proposal on trees and biodiversity has not been appropriately demonstrated. The proposal would therefore be in conflict with Policies CS08, CS16 and CS19 of the CS and Policies PP2, PP3, PP4, PP14 and PP16 of the DPD and would not therefore be in accordance with the development plan.
60. In such circumstances, paragraph 11 of the Framework indicates that planning permission should not be granted unless material considerations indicate otherwise. The Framework does not change the statutory status of the development plan as the starting point for decision making. In this case, the appeal proposal would be contrary to the development plan policies I have referred to, and the considerable resultant harm would not be outweighed by other material considerations.
61. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Zoe Raygen*

INSPECTOR