



Appeal Decision

Site visit made on 23 April 2024

by Caroline Mulloy BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th July 2024

Appeal Ref: APP/X1355/W/24/3336936

Land at Church Street, Coundon, County Durham

- 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 Mandale Homes against the decision of Durham County Council.
- The application Ref DM/23/01719/FPA, dated 9 June 2023, was refused by notice dated 14 December 2023.
- The development proposed is erection of 51 no dwellings, together with formation of the site access, and associated landscaping and external works.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was reduced from 54 dwellings to 51 dwellings during the consideration of the application by the Council. This is reflected in the description of development in the banner heading above.
3. An amended site plan (2218-P001M) was submitted with the appeal which shows raised speed table and bin collection points to private drive areas and a tracking plan (DTP/3705123/ATR001) which demonstrates swept paths for a 10.8m refuse vehicle. The amendments are relatively minor, expanding on the detail of the scheme and do not, therefore, fundamentally change the nature of the proposal. Consequently, I do not consider that my accepting the plans would prejudice any party to the appeal. I address the revised plans in my reasoning below.

Main Issues

4. The main issues in this case are:
 - Whether the location of the development is acceptable with particular reference to the development plan;
 - The effect of the proposal on the character and appearance of the area;
 - The effect of the proposal on highway safety, with specific reference to access and parking;
 - Whether the proposal would deliver Biodiversity Net Gain;
 - Whether the proposed houses and surrounding area would be safe from flooding;
 - Whether future occupiers of the proposed development would be at unacceptable risk from land instability; and
 - Whether the proposal makes adequate provision for affordable housing and any additional need for open space and health facilities arising from the development.

Reasons

Location of development

5. The appeal site is an undeveloped parcel of land of around 2.6 ha to the south of Church Street, Coundon. The northern section of the site is shown as a housing commitment in the County Durham Plan (CDP) (2020) as at the time of adoption the site benefited from outline planning permission for 30 dwellings. The outline related to land of around 1ha in size and focused on the northern portion of the site. The permission has since lapsed.
6. The appeal site is not allocated for housing within the CDP and the proposal should, therefore, be considered against Policy 6 (Development on Unallocated Sites). This states that development on sites not allocated in the Plan or Neighbourhood Plan, but which are either within the built-up area (criterion i) or outside the built-up area but well related to a settlement (criterion ii) will be permitted provided it meets certain criteria.
7. The glossary to the CDP defines 'built-up area' as "land contained within the main body of the existing built development of a settlement or is within a settlement boundary defined in a Neighbourhood Plan. Areas falling outside this definition will be regarded as countryside".
8. Residential development expands from the triangular core of the settlement focussed around the B6287 to the north, Victoria Lane to the east and Collingwood Street to the south-west. The majority of built development lies to the east of the core. Whilst some development extends along the B6287 to the west this lies primarily to the north of the B6287. To the south and west of the core there are transitional parcels of land between the built-up area and the open countryside with St James Church and its grounds, followed by the allotments before reaching the application site.
9. The site is bound by Church Street to the north and residential properties to the east and west of the northern section of the site. An existing farmstead and associated buildings lie to the south-west and open countryside to the south. The site rises from the road to higher land to the south of the site.
10. The proposed access and dwellings 1-5 would be located between existing built development. However, with the exception of the linear row of terraces to the north of the site, there is only a farm and open countryside to the west. The majority of the appeal site would extend beyond the boundary of the previous outline and significantly to the south of Church Road. It would be situated on elevated, open agricultural land, extending well beyond the perceived settlement edge. The development would effectively sit above that of the existing settlement, intruding into the open countryside. It would, therefore, lie outside the main body of the existing built development of Coundon and would not relate well to the existing settlement. It would not, therefore, meet criterion (i) or criterion (ii) of Policy 6. Conflict, therefore, arises with Policy 6.
11. As the proposal does not accord with the first part of Policy 6, there is no need to consider whether the proposal meets criterion a-j. However, it is common ground that the proposal would have access to a small range of services and facilities within Coundon and that these could be accessed by public transport and would, therefore, meet criterion f. Consideration of the effect of the proposal on the character and appearance of the settlement (d), highway safety (e) and climate change and flooding (h) are set out under main issues 2, 3 and 5.

12. The appellant relies heavily on the conclusions drawn in relation to the appeal site in the Council's Strategic Housing Land Availability Assessment (SHLAA) of which there have been various iterations. In the 2008/2009 SHLAA the appeal site was included as one large site with an 'unsuitable' classification. The site was split into two in the 2011 SHLAA with the northern most portion (3/CO/10b) having a 'suitable' classification reflecting the planning permission extant at that time for 8 dwellings. The southern parcel (3/CO/10a) was given an 'unsuitable' classification due to the site being isolated, not easily accessible and not really linked to the settlement. This assessment remained the same in the 2013, 2016 and 2018 updates of the SHLAA.
13. The subsequent 2019 SHLAA shows the southern part of the site as 'suitable' on the basis that the site has permission for residential development. This change in classification was due to the planning permission granted in 2018 for 30 dwellings on part of the site. However, the extent of the outline does not cover the entirety of the appeal site, being limited to 30 dwellings to the northern part of the site. The Council clarify in its statement of case that the whole site was changed to a 'suitable' classification in error. Given the conclusions of the previous versions of the SHLAA the Council's explanation appears to have some merit. However, even were this not the case, the SHLAA is essentially a stock take of housing land within the County and whilst it forms part of the evidence base for the CDP, it does not form policy.
14. The appellant also relies on the previous outline permission; however, this has now lapsed and does not, therefore, constitute a 'fall-back' position. In any event, this decision was taken within a different policy context and in the absence of a 5-year supply of land. Furthermore, I note that the proposal was considered to be contrary to the then development plan as it was development in the countryside and partly outside of the residential framework for Coundon. Moreover, the previous permission was significantly smaller than the current appeal.
15. Given my conclusions on the above, the proposal would represent development in the open countryside and, therefore, Policy 10 would also apply. The proposal would not meet any of the exceptions set out in Policy 10.
16. Overall, for the reasons stated, the proposal would represent a significant incursion into the open countryside and as such the location of the development would not be acceptable with reference to the development plan. It would, therefore, be contrary to Policies 6 and 10 of the CDP.

Character and appearance

17. The appeal site comprises of agricultural land which gradually rises from Church Road to the south. The site is bound by a stone wall along Church Road and post and rail fences, hedges and trees to the other boundaries. The linear settlement is set within a rural landscape with views of agricultural fields beyond. The appeal site appears as open, agricultural pastureland and contributes to this rural backdrop, framing the settlement. As the land rises to the south, the site is highly prominent when viewed from Church Road.
18. The settlement is comprised of traditional terraced properties of stone and slate interspersed with semi-detached properties of red brick with hipped roofs and bay windows. These properties contrast with later development of somewhat plainer dwellings faced with brick or render. Overall, the settlement reflects a traditional mining village comprised of buildings of a variety of designs set within a rural landscape.

19. The proposed development would be accessed from Church Road (B6287) and it would comprise fifty-one dwellings, all single storey. The site would be developed at a density of around 21 dwellings per hectare and would include two significant areas of public open space.
20. As outlined above, the site access and plots one to five would be situated between existing built development comprising of one linear row of terrace properties to the immediate west and only two residential properties to the immediate east. The areas of open space would provide some visual relief between the development and Church Street and also the setting of St James Church. However, most of the appeal site would extend significantly to the south of Church Road, beyond the extent of the previous outline application and the built-up area of Coundon. The proposed development would effectively sit above that of the existing development and would be visible from several public vantage points. The proposal would appear as a significant incursion into the open countryside and would erode the rural setting of the settlement.
21. Single-storey bungalows are proposed across the site to reduce the visual impact due to the topography of the site. However, the development would lack variety and result in an overly uniform appearance due to the concentration of one dwelling type. This uniform appearance would be compounded by using standard house types lacking in any locally distinctive features drawn from the area. Furthermore, given the elevated nature of the site even single-storey dwellings would be highly visible.
22. The scheme was revised during the consideration of the application to include the retention of the hedgerow to the south of the site. This would be preferable to the previously proposed timber boarded fence and would soften the southern edge of the development to a degree. However, it would fail to provide a sufficient landscape belt to define the settlement edge and provide an appropriate transition between built development and the open countryside.
23. The access to the site would require the removal of the traditional stone wall to achieve the visibility splays. Due to the difference in site levels and to achieve the required visibility splay, a retaining wall would need to be situated further into the site at a greater height than the existing wall. In addition, the retaining wall would need to extend along the front of the site to contain the proposed drainage basin which would sit within the public open space. Consequently, whilst the full extent of engineering works is unknown, the retaining wall would likely be significant. The drainage basin itself would be an uncharacteristic feature within the settlement. Moreover, no details of the appearance of the proposed drainage basins and swales have been provided.
24. The sectional details and also the levels details indicate that there is likely to be some retaining structures and steep gradients due to the rising nature of the land. Due to the absence of details, I cannot be certain that these would not result in an overly engineered appearance, at odds with the rural character of the area.
25. Overall, I consider that the proposed development would not relate well to the settlement, represent an incursion into the open countryside and erode the rural setting of the settlement. Furthermore, the poor design and use of standard house types would fail to reflect the local distinctiveness of the area. The proposal would, therefore, be at odds with the character and appearance of the area.
26. For the reasons stated, the proposal would be contrary to Policies 6, 29 and 39 of the CDP which collectively require that development on unallocated sites is

appropriate in terms of scale, design, layout and location to the character, function, form and setting of the settlement; contribute positively to an area's character, identity, heritage significance, townscape and landscape features; and to ensure that proposals would not cause unacceptable harm to the character, quality or distinctiveness of the landscape or important features or views. Conflict also arises with paragraph 135 of the Framework which expects development to be visually attractive as a result of good architecture, layout and appropriate and effective landscaping and establish a strong sense of place.

Highway Safety

27. Access to the site would be from Church Street/B6267, a single carriageway road which runs through Coundon. The B6267 has a speed limit of 30 mph within the settlement itself. Approximately 155m to the west of the site the national speed limit applies.
28. The planning application was accompanied by a Transport Statement (April 2023). This explains that MFS2 visibility splays of 2.4m x 42m westbound and east bound have been applied and can be achieved reflecting the 30mph speed limit in force on Church Street/B6267 in accordance with the Manual for Streets. The most up to date speed survey, undertaken in 2006 showed an 85th percentile speed of 31.8mph. However, it is likely that speeds may have changed since then, and I noted on my site visit that vehicles approaching from the Coundon Gate roundabout to the west were travelling quite fast on the approach to the village.
29. I acknowledge that, as set out in the Transport Statement, there are no records of accidents along the B6287 Church Street within the period 2019-2021. However, in the absence of an up-to-date speed survey, I cannot be certain that the speeds of vehicles travelling along the B6267 have not increased and that the proposed visibility splays would be adequate, particularly given the location of the proposed access at a bend in the road. Consequently, the proposal may result in harm to highway safety.
30. The Highways Authority require an additional turning head adjacent to Plots 16 and 17 to cater for refuse vehicles based on the Council's Design Guide which requires turning heads to be provided where adopted lengths of road are greater than 25m for highway safety reasons in order to minimise reversing length to avoid conflict with pedestrians in the highway. Due to the absence of a turning head adjacent to plots 16 and 17, the appeal proposal would result in a refuse vehicle reversing around 45m in length, albeit along a straight stretch of road. I acknowledge that paragraph 6.8.10 of MFS2 states that it may not be necessary for a waste vehicle to enter a cul-de-sac less than around 55m in length; however, it goes on to say that this would involve residents and waste collection operatives moving waste the maximum recommended distances which is not desirable. Consequently, I do not consider that the proposed arrangement would be acceptable.
31. The proposal provides the required 13 visitor parking spaces in accordance with the County Durham Parking and Accessibility SPD (SPD) (2023); however, these are positioned in blocks rather than being evenly distributed across the site in accordance with the SPD. In particular, plots 33-38 and 14-20 would be at some distance from the visitor parking. Visitors are, therefore, likely to park on the highway close to the dwelling they are visiting resulting in restricted road and footpath widths to the detriment of highway safety.
32. The Council are concerned that residents of the southern part of the site would have to walk around 165m to the start of the closest public footpath to the north-

eastern corner of the site to reach services and facilities in the village. However, residents would be able to access bus stops situated in close proximity on Church Road in order to access services and facilities.

33. The Council confirms that the amended site plan would address the previously raised issues of the raised speed table, bin collection points to private drives and that the tracking plan demonstrates a swept path for 10.8m refuse vehicles and I agree.
34. Overall, for the reasons stated, I consider that the proposal would cause harm to highway safety. It would, therefore, conflict with Policies 6, 21 and 29 of the CDP and the SPD which collectively seek to ensure that development would not be prejudicial to highway safety; that car parking at residential developments minimise harm to amenity from footway parking where it would have an unacceptable impact on highway safety. Furthermore, the proposal would conflict with the Framework which seeks to ensure that development has a safe and suitable access.

Biodiversity Net Gain

35. A Preliminary Ecological Appraisal and DEFRA Biodiversity Net Gain (BNG) Metric accompanied the application. The proposal would result in an overall loss of biodiversity both in habitat (6.8 units) and hedgerow units (0.53 units). From the submitted information it is not clear how the loss in biodiversity would be mitigated for in order to achieve a biodiversity net gain, as the DEFRA BNG Metric does not reflect the proposed landscaping or swale drainage arrangement and so the trading rules of the metric have not been met.
36. Since the application was determined and the appeal submitted, the mandatory requirement for developers to deliver a BNG of 10% on new applications has come into force. Whilst this does not apply to existing applications, it is recognised that the use of pre-commencement conditions to secure BNG is now appropriate. Consequently, the Council now accept that in principle a condition, requiring the submission of a revised BNG metric and confirmation that offsite delivery for the balance of BNG has been secured would be an appropriate mechanism to secure BNG for the site. The s106 Unilateral Undertaking (UU) proposes the payment of a BNG contribution to the Council; however, the Council does not agree to the payment as it is the responsibility of the appellant to secure off-site BNG. I would have gone back to parties regarding this matter had I decided to allow the appeal.
37. Nevertheless, I am satisfied that in principle, subject to a condition and satisfactory arrangements to secure off-site contributions, that the development would result in net biodiversity gain. It would not, therefore, conflict with Policy 41 of the CDP which seeks, amongst other things, to secure net gains for biodiversity. It would also not conflict with paragraph 186d of the NPPF which seeks to secure measurable net gains for biodiversity.

Flood Risk

38. The application was accompanied by a Flood Risk Assessment and Drainage Strategy. The Lead Local Flood Authority advised that whilst the use of permeable paving to private drives to treat water would be appropriate, there would need to be a drainage strategy for the entire site. The strategy would also need to reflect the drainage hierarchy. Furthermore, the submitted drainage strategy includes basin details with side slopes of 1 in 3, which does not comply with the residential requirement of 1 in 5. Also, the dry weather flow channel in the basin is short and

provides little treatment and the hydraulic calculations would need to allow for a 10% urban creep which has not been carried out.

39. The applicant submitted an amended site plan which shows additional swales and bioretention tree pits, no updated Flood Risk Assessment or Drainage Strategy or revised calculations have been submitted.
40. The appellant's engineers consider that these changes should achieve the necessary surface water treatment. They also advise that there would be sufficient space to deliver an acceptable revised drainage strategy in due course and that this can be conditioned. However, as a revised drainage strategy and calculations have not been submitted, I cannot be certain that the proposed features would adequately manage surface water on the site. Furthermore, a revised drainage strategy may require a fundamental redesign of the site. Consequently, I do not consider that it is appropriate to leave the acceptability of the matter to a condition.
41. For the reasons stated, it has not been demonstrated that the proposed houses or surrounding area would be safe from flooding. The proposed development would, therefore, be contrary to Policies 6, 35 and 36 of the CDP which collectively seek to ensure that there is no net increase in surface water runoff for the lifetime of the development; the development incorporates a Sustainable Drainage System; that the management of water should be an intrinsic part of the overall development including flood risk; and minimise vulnerability to climate change. Conflict also arises with paragraph 173 of the Framework which seeks to ensure that development incorporates sustainable drainage systems and does not increase the risk of flood risk elsewhere.

Ground Conditions

42. A section of the site is situated within the Coalfield High Risk Area and as such a Coal Mining Risk Assessment has been undertaken. The Coal Authority identify two mine shafts within the northern part of the site and three mine shafts immediately adjacent to the northwestern site boundary. The site plan identifies each of these mine shafts, however, due to plotting inaccuracies, the actual positions could depart from their plotted positions by several metres and could be within the development itself.
43. Except for one mine shaft which is recorded to have been filled to an unknown specification prior to 1955, the Coal Authority hold no treatment details for any of the mine shafts and any untreated or inadequately treated mine entry and its zone of influence could pose a significant risk to surface stability and public safety. The Coal Authority adopt a precautionary principle where the building over or within the influencing distance of a mine entry should wherever possible be avoided.
44. The planning application was accompanied by a Phase 1: Desk Study (2022). The study considers that recorded underground coal mine workings present beneath the site lie at sufficient depth that are unlikely to pose a risk to the proposed development. It does acknowledge the presence of several recorded mine shafts and the potential for the presence beneath the site of unrecorded mine workings in shallower un-named coal seams. The report recommends the undertaking of rotary boreholes and trenches in order to investigate the shallow underground coal mining situation and to determine the location of the recorded shafts. The report also acknowledges that the shafts may impact the proposed development layout.
45. I acknowledge that efforts have been made to accommodate two of the shafts in the area of public open space to the north of the site; however, the extent of the

potential zones of influence of these shafts and those situated immediately adjacent to the site boundary is unclear. It has not, therefore, been demonstrated that the proposed detailed layout of development has been suitably informed by the presence of mine entries. Consequently, the Study does not adequately address the impact of coal mining legacy on the scheme of development.

46. The appellant considers that the investigation works could be conditioned. However, the given the serious risk to future occupiers and that the findings of any such investigations may be determinative of the layout, I do not consider that it is appropriate to leave the acceptability of the matter to a planning condition.
47. For the reasons stated, there is insufficient information to determine that the proposal would not cause a risk to future occupiers. The proposal would, therefore, be contrary to Policy 32 of the CDP which states that development will not be permitted unless the developer can demonstrate that any existing contaminated or unstable land issues can be satisfactorily addressed by appropriate mitigation measures and that development does not result in unacceptable risks to human health. It would also conflict with paragraphs 180 and 189 of the Framework which seeks to prevent new development being put at unacceptable risk from or adversely affected by land instability.

Provision for affordable housing, open space and health

48. Policy 15 of the CDP requires this development to provide 10% of affordable homes which would equate to 5 units to comply with Policy 15 and the Framework. The First Home requirement at 25% of the affordable home units would be 1 home (rounded). Therefore, of the 5 affordable homes requirement, 1 unit should be a First Home, the remaining 4 units should be discounted market sale units.
49. Whilst there was disagreement between the parties on the issue of viability, the appellant confirms that it would proceed on the basis of the profit margin indicated by the updated respective Financial Viability Assessments.
50. The developer has submitted a section 106 Unilateral Undertaking (s106 UU) to provide the affordable housing requirement, BNG contribution and NHS contribution. In terms of First Homes, the s106 UU includes a number of provisions which places obligations on the Council which would have to be undertaken through a s106 agreement as opposed to a UU. This is a matter which I would have gone back to parties on had I decided to allow the appeal. Nevertheless, I acknowledge that the scheme is viable with the provision of a policy compliant level of affordable housing, a matter to which I attach significant weight. Consequently, subject to an updated s106 agreement the proposal would comply with Policy 15 of the CDP and the Framework.
51. Policy 26 of the CDP requires new residential developments to make provision for open space to meet the needs of future residents having regard to the standards of open space provision set out in the Open Space Needs Assessment (OSNA) (2018). Where it is determined that on-site provision is not appropriate, the Council will require financial contributions to be secured through planning obligations towards the provision of new open space, or the improvement of existing open space elsewhere in the locality.
52. The Council have calculated that the proposal would need to provide a minimum of 1,623m² of on-site amenity/natural space. The proposed site plan shows on-site amenity space in three areas of the site, at the entrance, to the eastern boundary and a smaller section in the centre of the development which would meet the numerical requirement. However, the northern and central sections are identified

to be a drainage basin and in the absence of details of the drainage basin, it is not clear whether these would be useable as amenity green space. Furthermore, only a proportion of the northern part of public open space would be overlooked. The open space in the centre of the site would not be overlooked by any dwelling frontages and would instead be addressed by rear gardens and fences. The open space to the south-east of the site would face two gable ends with little or no surveillance. Consequently, I do not consider that these aspects of provision would not be fit for purpose and the proposal, therefore, conflicts with Policy 26.

53. The Council have identified that off-site open space contributions would be £80,279. It is not clear how this contribution has been calculated. In addition, clause 12 places obligations upon the Council which cannot be secured through a s106 UU. These are matters which I would have gone back to parties on had I decided to allow the appeal.
54. The NHS were consulted as part of the planning application process and identified the need for a financial contribution totalling £24,633 to mitigate the impact of the development in respect of GP provision and increased provision in accordance with Policy 25 of the CDP. I would have considered this matter further, had I decided to allow the appeal.
55. Overall, the proposal would not make adequate provision for open space and would, therefore, conflict with Policy 26. Whilst the flaws with the s106 UU mean that as presented the proposal would not secure adequate provision for affordable housing, I consider that this matter could have been resolved by a revised S106 UU. I, therefore, acknowledge the significant benefit of the provision of affordable housing in my decision. Whilst I have not concluded on the NHS contribution, this would be required to make the scheme policy compliant in any event.

Section 106 Obligation

56. The s106 obligation is made in the form of a Unilateral Undertaking. It sets out undertakings by the appellant to provide affordable housing, open space, a contribution to the NHS and a BNG contribution as discussed above if planning permission was granted for the development.
57. The title number (DU308295) of the land in question has a mortgage and the mortgagee has not been included in the s106 UU. Whilst I note that this relates to only a small parcel of land, it would not comply with section 106 (3) which requires that a planning obligation is enforceable by the LPA against the person entering into the obligation or person deriving title from that person and that it should 'run with the land'. However, this may have been resolved by a revised s106 UU.
58. As referred to above, section 6 relating to First Homes and Clause 12 relating to public open space places obligations upon the Council which cannot be secured through a s106 UU. Furthermore, the Council does not wish to receive the BNG contribution. Consequently, I cannot take the s106 UU into account in my Decision. Although I acknowledge that the scheme is capable of providing affordable housing, a matter to which I attach significant weight.

Other matters

59. To the east of the appeal site is the Grade II Listed Building – St James Church and the Grade II listed Coundon War Memorial lies to the north-east. St James Church is of early English style Gothic architecture with the immediate setting of the wooded area immediately surrounding it contributing to its special interest. Long views of the church will alter as a result of the development; however, the

architectural interest of the church would not be affected. Due to the distance, and intervening development the appeal site is not considered to be within the setting of Coundon War Memorial. Consequently, the proposal would not harm the character or appearance of the Grade II listed church or war memorial.

60. Concerns have been raised in relation to the impact of the proposal on residential amenity. However, the proposal would be in exceedance of the required separation distances set out in Council's Residential Amenity Standards SPD in relation to the terraced row at Broomside Row, Canney View and Fairfield Cottage. A condition could have been applied to control the working hours, noise and pollution during construction. Consequently, I do not consider that the proposal would have an adverse effect on residential amenity.

Planning balance

61. I have found that the location of the proposed development is not acceptable in relation to the development plan and would, therefore, conflict with policies 6 and 10 of the CDP. In addition, the proposal would harm the character and appearance of the area, highway safety and would not make adequate provision for open space. Furthermore, I have found that it has not been demonstrated that the proposed houses would be safe from flooding or that the proposal would not have an adverse effect on future occupiers due to land instability.
62. I have found that the proposal could provide BNG subject to suitable provisions to secure off-site BNG; however, this is a neutral factor in my decision.
63. I have concluded that the s106 UU cannot be taken into account in my decision due to drafting and legal issues. Even if those issues could have been resolved, contributions to new GP provision would be required to mitigate the impact of the proposal and to be policy compliant. Consequently, this factor only attracts neutral weight in my decision.
64. The proposal would increase the supply of market housing, in particular bungalows and subject to a revised legal agreement, affordable housing. The proposal would contribute to the local economy during the construction phase and in the long term as residents utilise local services and facilities. In addition, the proposal would deliver 100% M4(2) dwellings in excess of policy requirements. These considerations in favour of the development collectively carry significant weight, but not sufficient in my view to overcome the harm identified and the statutory presumption in favour of the development plan.
65. For the reasons stated, and with regards to all other matters raised, I conclude that the appeal should be dismissed.

Caroline Mulloy

Inspector