

APPEAL BY GREEN SWITCH CAPITAL LTD

LAND AT GROVE FARM AND EAST OF RAILWAY LINE, BENTLEY

OPENING STATEMENT ON BEHALF OF THE APPELLANT

Introduction

1. The essential background to this appeal is the vast and worsening global climate crisis, and the scale of the challenge faced by national and local authorities to meet targets to address that crisis. The existential risk posed by climate change to life, nature, cultural heritage and the economy should not be controversial. Indeed, the UK Parliament and Babergh District Council (“the Council”) respectively declared a climate change emergency in 2019.¹
2. To abate that emergency, and meet the legally binding target of net zero by 2050, it is clear that a “*once-in-a-generation*” upgrade of energy infrastructure needs to be delivered “*with urgency and determination*”.² As Mr Burrell notes in his evidence, the challenge is widely recognised as “*colossal*”,³ and the current Government has consequently adopted an interim target to generate enough clean power to meet total annual electricity demand by 2030. The strategy set out in 2025 for meeting that target involves an acceleration (and almost tripling) of solar deployment from 18GW to 45-47GW.⁴ All pathways to Clean Power 2030 and Net Zero see substantial increases in solar generation.⁵
3. In addition, the Government has strengthened national policy in order to meet the challenge of climate change. The National Planning Policy Framework (“NPPF”) at §161 now makes

¹ Paul Burrell’s Proof at §9.74 and CD D10 and E4.

² CD 5.32 p. 7.

³ Paul Burrell’s Proof at §9.16 and CD D12, p. 98.

⁴ Paul Burrell’s Proof at §9.59 and CD D23.

⁵ Paul Burrell’s Proof at §9.33 and CD D18-B.

a direct reference to the need to transition to net zero by 2050 and its link with the need to support renewable and low carbon energy and associated infrastructure. There also remains a direction to decision makers at §168 that applicants for renewable and low carbon energy infrastructure should not be required to demonstrate the need, that even small-scale projects provide a valuable contribution, and that significant weight should be given to the benefits associated with the contribution to a net zero future.

4. Set in that context, the development which this appeal seeks to bring forward at Land at Grove Farm and East of Railway Line (“the Appeal Site”) should not be understated. It will secure a solar farm with a significant generating capacity of 40MW as well as a Distribution Network Operator (“DNO”) substation and local point of connection with the National Grid (“the Proposal”). It is the Appellant’s case that the Proposal accords with the development plan as a whole and should be consented without delay.⁶ Even were that not so, the impacts of the Proposal do not demonstrably outweigh the many substantial benefits, which include an important contribution to clean energy generation and domestic energy security, a huge gain for biodiversity, and a positive legacy in landscape and heritage terms.⁷
5. In Opening, we address the main issues for the inquiry in the following order: (1) heritage impacts; (2) landscape and visual impacts; (3) the effect on the living conditions of local residents; (4) impact on Best and Most Versatile Agricultural Land (“BMVAL”); and (5) benefits and the planning balance.

Heritage impacts

6. The first RfR, as originally drafted,⁸ asserted that the public benefits of the Proposal would not outweigh the less than substantial harm caused to nearby designated and non-designated heritage assets, most notably Bentley Hall, Bentley Hall Stables, Bentley Hall Barn and the Church of St Mary. The RfR has since been amended⁹ following the designation of Bentley Conservation Area (“BCA”) such that harm is now alleged not only to that area but also to a further heritage asset (Maltings House) and 6 non-designated heritage assets.¹⁰

⁶ Paul Burrell’s Proof at §11.4.

⁷ Paul Burrell’s Proof at §§11.19, 11.26, 11.41 and 11.56.

⁸ Overarching SOCG at §5.3.

⁹ Overarching SOCG at §5.4.

¹⁰ Laura Garcia’s Proof at §2.13 and Heritage SoCG at §2.6.

7. It is not in dispute that the Proposal would give rise to a degree of heritage harm (during its lifetime¹¹), or that the statutory duties in sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 are engaged.¹² The assessment and weight of the harm are nevertheless matters of judgement for the decision maker,¹³ with the statutory duties discharged through the proper application of NPPF §§212-215.¹⁴
8. To assist the Inspector in that exercise, Ms Garcia, on behalf of the Appellant, has assessed and paid special regard to each of the assets under consideration.¹⁵ She and Mr Hancock are in agreement¹⁶ (as were Historic England¹⁷) that the harm is in all instances less than substantial. Taking a measured and sensible approach, Ms Garcia concludes that there will be harm at the lower end of this scale to the designated Church of St Mary¹⁸ and BCA and the non-designated Falstaff Manor, Grove Farm, Potash Cottages, Red Cottages and Church Farm House and Barn.¹⁹
9. As Ms Garcia will demonstrate, whilst the Appeal Site is located entirely within the BCA, it sits along a boundary which suffers from a lack of robust justification. That boundary notably divides the historic farmland of the manor to which it has been most closely connected (Falstaff Manor).²⁰ Overall, the Site is a very small element of the designated manorial farmland (5.6%²¹) that is only loosely connected to the higher value Bentley assets to the north.²² Both associations are in any event historic and appreciated through documentation, not on the ground.²³ Harm (such as there is) arises at most through a slight, temporary change in a view towards the Church over the Site and the temporary change in the character of the Site itself.²⁴

¹¹ Heritage SOCG at §§2.26-27.

¹² Heritage SOCG at §2.8.

¹³ Heritage SOCG at §2.4(d).

¹⁴ Laure Hancock's Proof at §2.4.

¹⁵ Heritage SOCG at §§2.12 and 2.15.

¹⁶ Heritage SOCG at §2.11.

¹⁷ CD B12a, B12b and B12c.

¹⁸ In line with Historic England, who identified harm at the middle or lower end: CD B12c.

¹⁹ Laura Garcia's Proof at §16.1.

²⁰ Laura Garcia's Proof at §6.65.

²¹ Laura Garcia's Proof at §6.74 based on the panelled area rather than the red line

²² Laura Garcia's Proof at §6.61.

²³ Laura Garcia's Proof at §6.84.

²⁴ Laura Garcia's Proof at §6.86.

10. Ms Garcia will further explain that the harm that arises in other cases is limited to a minor component of the asset's setting.²⁵ She will establish that setting is not the most important contributor of these assets' heritage significance,²⁶ and that harm arises through changes in isolated and glimpsed or filtered views of no heritage significance in themselves.²⁷ Any harm identified would be temporary and removed entirely on decommissioning.²⁸

11. In that connection, it is critical to note that, in order for development to impact on the significance of an asset through a change to setting, where the harm is alleged to arise through visual change, there has to be a distinct visual relationship of some kind between the two, which is more than remote or ephemeral, and which in some way bears on one's experience of the asset in its surrounding landscape.²⁹ Further, Ms Garcia will also demonstrate that the process of identifying the setting and its contribution to significance is more nuanced than simply identifying a historical association or period of common ownership where that is not expressed or can no longer be appreciated. Even were that enough, historic associations here are appreciated through documentation; the connections that reveals would remain.³⁰

12. Harm also needs to be assessed in context, which for the Appeal Site is one of modernity and change. Several views to and from the Site have already experienced significant change with the deterioration and removal of hedgerows³¹ and the introduction of modern building extensions,³² tarmacked roads,³³ pylon towers³⁴ and the Great Eastern Main Line railway.³⁵ The surrounding area is not "intact".

13. When that approach is taken, it is apparent that the Proposal is much less harmful than the Council and the Rule 6 Party ("the R6") would suggest. The contention that it would be wholly out of character and unacceptably incongruous development proves to be

²⁵ Laura Garcia's Proof at §§8.35, 8.38, 8.41, 9.22, 10.21, 11.16, 12.17, 13.12, 14.18, 16.4.

²⁶ Laura Garcia's Proof at §§8.47, 9.26, 10.28, 11.20, 12.23, 13.18, 14.23.

²⁷ Laura Garcia's Proof at §§7.27 and 7.29, 9.28 and 9.32, 10.31, 11.24, 12.26, 13.20.

²⁸ Laura Garcia's Proof at §4.107.

²⁹ *Catesby Estates Ltd v Steer* [2019] 1 P & CR 5 at [25], with emphasis.

³⁰ Laura Garcia's Proof at §§8.49, 10.34, 11.25,

³¹ Jon Mason's Rebuttal at §§3.1.2-3.1.5.

³² Laura Garcia's Proof at §§9.28 and Plate 45.

³³ Laura Garcia's Proof at §§6.7 and 6.15.

³⁴ Laura Garcia's Proof at §§9.28-9.30 and Plate 45.

³⁵ Laura Garcia's Proof at §§9.28-9.30 and Plate 45.

unsustainable.

14. The harms which Ms Garcia does identify will of course need to be weighed against the public benefits in the planning balance.

Landscape and visual impacts

15. The second reason for refusal (“RfR”) is concerned with the impact that the Proposal would have on landscape character and the visual impact that it would have on receptors at nearby locations. It is agreed that the Appeal Site and the landscape features within it are not part of a designed or designated landscape,³⁶ but it is contended by the Council and the R6 that the Site sits within a valued landscape as defined in the NPPF.³⁷

16. As alluded to above, in terms of landscape character, it is important to bear in mind that the Appeal Site and its immediate environs are situated within a landscape that has undergone change in the twentieth century and now bears the markings of modern agriculture and infrastructure.³⁸ The removal of internal field boundaries, and mechanisation and intensification of agriculture,³⁹ has resulted in local historic buildings being “*surrounded in all directions by lower quality typical plateau arable land.*”⁴⁰ That land is in turn fragmented by road and rail infrastructure including the A12 trunk road and the Great Eastern Main Line railway, as well as a network of overhead power lines and pylons.⁴¹ Accordingly, it is fairly described by Mr Mason as an area of working, modernised arable plateau.⁴²

17. Set in that context, Mr Mason will explain his view that the Appeal Site and its immediate surroundings are of medium value when assessed against both GLVIA3 Box 5.1⁴³ and Technical Guidance Note (“TGN”) 02/21.⁴⁴ The Council and R6’s position is rooted in the Bentley Neighbourhood Plan Landscape Appraisal and Suffolk Coast & Heaths Additional

³⁶ Overarching SOCG at §4.4(a).

³⁷ Jon Mason’s Proof at §10.3.1.

³⁸ Jon Mason’s Proof at §7.3.

³⁹ Jon Mason’s Rebuttal at §§3.1.3-3.1.5.

⁴⁰ Michelle Bolger’s Proof, p. 26; CD G8, p. 71.

⁴¹ Jon Mason’s Proof at §7.3.

⁴² Jon Mason’s Proof at §8.3.2.

⁴³ Jon Mason’s Proof at §§8.3.5 and App. JM1.

⁴⁴ Jon Mason’s Proof at §8.5.3 and App. JM2.

Project Area (“the APA”) Valued Landscape Assessment, although neither purport to be (or can be taken to be) valued landscape assessments in NPPF terms.⁴⁵ The location of the Site within the APA has no greater bearing on this issue: its origins are uncertain⁴⁶ and evidence base unknown.⁴⁷

18. Even when one looks to Box 5.1 and TGN 02/21, it is necessary to ask not only whether a landscape possesses those valued qualities, but whether it does so in a way that goes beyond the ordinary.⁴⁸ That is a deliberately high bar. It is trite that an area can be of high value and still not fall within a valued landscape for the purposes of the NPPF where it does not have characteristics which overcome that threshold.

19. Mr Mason will also outline his assessment of the Proposal’s landscape effects as follows:

- a. The Ancient Estate Claylands Landscape Character Area (“LCA”) that includes the western area of the Appeal Site is of medium value, susceptibility and sensitivity.⁴⁹ This combined with a medium magnitude of change (given the establishment of new hedgerows and strengthening of landscape structure) would result in an overall moderate adverse effect during construction and on completion, further reducing to small over time as the proposed planting across the Site matures.⁵⁰
- b. The Ancient Estate Farmlands LCA that encompasses the central and eastern extent of the Site is of medium-high value, susceptibility and sensitivity.⁵¹ This combined with a medium magnitude of change would have a moderate-major adverse effect in the short term, reducing to minor-moderate with the maturation of planting in the long term.⁵²

20. As to visual impacts, Mr Mason will demonstrate that they would be limited due to the low height and modular nature of the solar arrays⁵³ and the high degree of enclosure around the

⁴⁵ Jon Mason’s Proof at §8.4.2.

⁴⁶ Jon Mason’s Proof at §3.3.9.

⁴⁷ Jon Mason’s Proof at §§3.3.10-3.3.11.

⁴⁸ Jon Mason’s Proof at §§8.1.2-8.1.3.

⁴⁹ Jon Mason’s Proof at §6.8.4.

⁵⁰ Jon Mason’s Proof at §6.8.4.

⁵¹ Jon Mason’s Proof at §6.8.4.

⁵² Jon Mason’s Proof at §6.8.4.

⁵³ Jon Mason’s Proof at §9.5.1.

Appeal Site⁵⁴ formed by historic parkland, woodland and formal gardens to the north⁵⁵ and boundary hedgerows, roads and the railway to the south and east.⁵⁶ The main visual impacts would be on users of public rights of way (“PRoW”) and public highways around the Site, although views from these locations are typically intermittent and obtained through gaps in hedgerows which will be reinforced in the longer term.⁵⁷

21. Further, any adverse landscape character effects associated with the Proposal, such as there may be, would be limited to the operational period of 40 years.⁵⁸ After decommissioning, all built infrastructure would be removed to enable the Appeal Site to return to its previous arable use.⁵⁹ However, the restored landscape features would remain and provide a positive legacy in landscape character terms.⁶⁰

22. A refined site layout with minor amendments and enhancements⁶¹ has now been consulted on and is commended to the Inspector in support of this appeal.⁶²

Impact on living conditions

23. The R6 raises as a further issue the suggestion that the Proposal would have an unacceptable impact on residential amenity by reason of noise, glint and glare.⁶³ The Council agrees with the Appellant that there would be no such impact in this case.⁶⁴ To the contrary, the Glint and Glare Assessment establishes that the existing screening around the boundaries of the Appeal Site would be sufficient to intercept reflections,⁶⁵ even in winter⁶⁶ (and especially given daylight hours) whilst the Noise and Vibration Assessment shows that there would be no adverse impacts on nearby noise sensitive properties.⁶⁷ Any disturbance during the construction period would be short term and can be managed by conditions in the usual

⁵⁴ Jon Mason’s Proof at §3.1.1.

⁵⁵ Jon Mason’s Proof at §3.1.3.

⁵⁶ Jon Mason’s Proof at §8.27.

⁵⁷ Jon Mason’s Proof at §§6.12.2-6.12.5.

⁵⁸ Jon Mason’s Proof at §5.29.

⁵⁹ Jon Mason’s Proof at §§2.2.4 and 4.4.9 and CD A5 Fig. 10.

⁶⁰ Jon Mason’s Proof at §4.4.2.

⁶¹ As shown on CD C2, C3 and C4: Jon Mason’s Proof at §5.1.1.

⁶² Paul Burrell’s Proof at §2.6 and CD C23.

⁶³ R6’s Statement of Case at §3.14.

⁶⁴ Overarching SOCG at §8.58.

⁶⁵ Overarching SOCG at §8.54.

⁶⁶ Paul Burrell’s Rebuttal at §3.2 and CD A18 Table 4.

⁶⁷ Overarching SOCG at §8.55.

way.⁶⁸

Impact on BMVAL

24. The R6 also raises as an issue the concern that the Proposal would result in a (temporary) “loss” of BMVAL,⁶⁹ various grades of which make up the Appeal Site.⁷⁰ The R6’s case for advancing this issue rests on a fundamental misconception that land will be taken out of productive use during the operational period of the Proposal when in fact it would remain available for sheep grazing.⁷¹
25. In any event, there is no policy which requires agricultural land to be managed for crops or for food production,⁷² or which precludes the use of BMVAL for solar development.⁷³ That is not surprising, given that the greatest threat to UK food production is climate change.⁷⁴ At most, there is an instruction to recognise the economic and other benefits of BMVAL at §187(b) of the NPPF. In this case, such benefits include the opportunity for simultaneous sheep grazing and the inevitable recovery of the underlying soil structure and resource.⁷⁵ It follows that the alleged impact on BMVAL is, logically, an illusory one.

Planning Balance

26. Turning to the planning balance, Mr Burrell concludes that, applying section 38(6) of the Planning and Compulsory Purchase Act 2004, the Proposal complies with the development plan when read, as it must be, as a whole.⁷⁶ That is of increased importance in circumstances where no land at all is allocated for renewable energy development in the adopted plan.
27. The significance of the Proposal’s compliance with Policy SP10⁷⁷ in particular should not

⁶⁸ Overarching SOCG at §8.57.

⁶⁹ R6’s Statement of Case at §3.16.

⁷⁰ Overarching SOCG at §8.69.

⁷¹ Overarching SOCG at §8.71.

⁷² Agricultural Statement (CD C16 A2) at §4.5.

⁷³ Agricultural Statement (CD C16 A2) at §2.3.

⁷⁴ Agricultural Statement (CD C16 A2) at §4.7.

⁷⁵ Paul Burrell’s Proof at §11.47.

⁷⁶ Paul Burrell’s Proof at §11.3.

⁷⁷ As agreed by the Council: Paul Burrell’s Proof at §6.6 and Overarching SOCG at §7.11.

be overlooked, as one of the most directly relevant policies for this type of development.⁷⁸ The Council adopted Policy SP10 to discharge its statutory duty under section 19(1A) of the Planning and Compulsory Purchase Act 2004 to adopt policies designed to secure that the development and use of land in its area contribute to the mitigation of and adaptation to climate change. Policy SP10 is supportive of new opportunities to deliver decentralised renewable or low carbon energy systems and associated infrastructure in the absence of the Council’s own allocations.⁷⁹

28. In respect of heritage, the issue is the extent to which the Proposal would impact the BCA and settings of designated and non-designated heritage assets in the vicinity of the Appeal Site and, if so, whether the public benefits outweigh any harm. Mr Burrell will explain his position that the public benefits associated with the Proposal are numerous and substantial, outweighing the harm that Ms Garcia identifies.⁸⁰
29. As to landscape, Mr Burrell notes that the reinstatement of a more appropriate field scale would be sensitive to landscape character and any visual effects would be limited, localised and reduce over time as the planting matures.⁸¹ He will demonstrate that the resulting harm would likewise be outweighed by the wider benefits of the Proposal.
30. The actions and decisions taken by the current Government, including changes made to the NPPF, have attested to their prevailing support for the delivery of renewable and low carbon energy infrastructure. That support is evident still in the consultation draft NPPF published at the end of last year, which – though of only limited weight⁸² – would effectively establish a presumption in favour of energy infrastructure projects located outside settlements and a high bar for outweighing their benefits.⁸³
31. Two further important areas of policy are the National Policy Statements (“NPS”) EN-1 and EN-3. EN-1 in particular indicates that there is now a critical national priority for nationally significant low carbon infrastructure and that, accordingly, it is unlikely that

⁷⁸ Overarching SOCG at §9.4.

⁷⁹ CD E1, p. 46.

⁸⁰ Paul Burrell’s Proof at §§11.64-11.65.

⁸¹ Paul Burrell’s Proof at §§11.61.

⁸² Paul Burrell’s Proof at §9.83.

⁸³ Paul Burrell’s Proof at §9.88.

consent will be refused on the basis of impacts to matters such as landscape and heritage.⁸⁴ Whilst the NPSs do not provide the policy basis for assessing the Proposal, it is agreed by all parties that they are material considerations in this appeal.⁸⁵ They signal a remarkable policy intervention to support developments just like this, and the recognition that the need to accelerate a solution to climate change will often be prioritised over harm to the historic environment and landscape and visual impacts.

32. In addition, EN-3 confirms that solar energy is “*at the heart*” of Clean Power 2030 and that solar farms are “*one of the most established renewable electricity technologies in the UK*”.⁸⁶ It goes on to note that – where a time limit is sought as a condition of consent – the time limited nature of a solar farm is “*likely to be an important consideration for the Secretary of State*”.⁸⁷
33. Against that policy background, numerous solar schemes have been granted permission on appeal in recent years, including under the current Government, such as those at *Thaxted, Halloughton, Horton Kirby, Overton, Wandon End, Burcot, Runwell, Kemberton, Rayleigh, Kenilworth and Kelham*.⁸⁸ While the facts invariably differ, schemes have been permitted within both valued landscapes and the settings of heritage assets in recognition that energy infrastructure has to be delivered where there is capacity in the Grid to accept and distribute the electricity produced.
34. The Proposal here would provide a solar farm with an export capacity of 40 MW, which is enough to power over 9,786 homes in the District (or 28%).⁸⁹ Mr Burrell is clear that this would be a positive, deliverable action on the Council’s declaration of a climate emergency, and that substantial weight should therefore attach respectively to the contribution that this would make to decarbonising the UK electricity supply⁹⁰ as well as to UK energy security.⁹¹

⁸⁴ CD D4 at §§4.2.16 and 4.2.29-4.2.30.

⁸⁵ Overarching SOCG at §§7.19-7.20; Ian Poole’s Proof at §4.11.

⁸⁶ CD D6 at §§2.10.2 and 2.10.5-2.10.6.

⁸⁷ CD D6 at §2.10.142.

⁸⁸ *Thaxted* (CD H16), *Halloughton* (CD H21), *Horton Kirby* (CD H23), *Overton* (CD H25), *Wandon End* (CD H26), *Burcot* (CD H27), *Runwell* (CD H28), *Kemberton* (CD H30), *Rayleigh* (CD H31), *Kenilworth* (CD H38) and *Kelham* (CD H35).

⁸⁹ Paul Burrell’s Proof at §11.9.

⁹⁰ Paul Burrell’s Proof at §11.19.

⁹¹ Paul Burrell’s Proof at §11.26.

35. Mr Burrell considers that there is a further substantial benefit in the particular contribution that the Proposal would make to meeting local annual energy needs (in the order of 12%),⁹² and a moderate benefit in the availability of a local grid connection where they are known to be scarce and stifling the net zero transition.⁹³ The Appellant has accepted a connection date offer for March 2028,⁹⁴ that agreement stands if planning permission is granted.⁹⁵

36. Mr Burrell will explain as in his proof where the Inspector can find a precedent for each of these benefits and weightings, and as in his rebuttal (by reference to *Bewley Homes PLC v SSLUHC* [2024] EWHC 1166) why Mr Stroud is wrong to suggest that all of the many and varied benefits that are associated with renewable energy generation and net zero are to be assessed “collectively” under NPPF §168.⁹⁶

37. The wider environmental benefits would include a huge biodiversity net gain (“BNG”) of 101.25% in habitat units and 102.65% in hedgerow units with the proposed amendments.⁹⁷ The BNG would be far in excess of the 10% statutory objective and of a magnitude that Mr Burrell affords significant positive weight.⁹⁸ There would also be landscape enhancements, with the strengthening of existing hedgerows and planting of new hedgerows, hedge trees and woodland within the Appeal Site and along its boundaries.⁹⁹ The re-establishment of a traditional smaller-scale field pattern would prevail after the built infrastructure has been removed on decommissioning, attracting further moderate positive weight.¹⁰⁰

38. As to the economic benefits, Mr Burrell affords moderate weight to the contribution of the Proposal to the local economy through the creation of direct and indirect job opportunities during the construction phase and the generation of local annual business rate contributions of around £45,300 per annum.¹⁰¹ Mr Burrell attributes further limited weight respectively to the regeneration of the underlying soil structure and resource¹⁰² and the opportunity for

⁹² Paul Burrell’s Proof at §§11.29-11.30.

⁹³ Paul Burrell’s Proof at §11.31 and 11.37.

⁹⁴ Paul Burrell’s Rebuttal at §6.1.

⁹⁵ Paul Burrell’s Proof at §11.35.

⁹⁶ Paul Burrell’s Rebuttal at §§5.1-5.7.

⁹⁷ Paul Burrell’s Proof at §§11.39.

⁹⁸ Paul Burrell’s Proof at §11.41.

⁹⁹ CD C4.

¹⁰⁰ Paul Burrell’s Proof at §§11.56-11.57.

¹⁰¹ Paul Burrell’s Proof at §§11.42-11.43.

¹⁰² Paul Burrell’s Proof at §11.47-11.49.

the diversification of an agricultural business.¹⁰³

39. These extensive benefits must be weighed against any adverse impacts. Policy, in particular EN-1, recognises that renewable energy development is likely to give rise to some impacts but that those impacts do not automatically make a scheme unacceptable. As set out above, the impacts in this case are restricted to a localised harm to landscape and visual receptors and low levels of less than substantial harm to the BCA and the rural settings of heritage assets – harms which are temporary and reversible.¹⁰⁴

40. When these considerations are viewed in the round, Mr Burrell will show that the balance lies in favour of a grant of permission.

41. Accordingly, in due course, the Inspector will be invited to allow this appeal and grant permission, subject to appropriate conditions.

19 January 2025

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¹⁰³ Paul Burrell's Proof at §11.52-11.54.

¹⁰⁴ Paul Burrell's Proof at §§11.60.