

Department of the Environment

Room 14/11

Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

TECHNICAL SERVICES DEPT.	
P. SECTION	
19 JAN 1979	
Direct line 0272-218	DATE
Switchboard 0272-2188119 1 4	

Council's Ref: T/411/R/4/0238/782

Your reference

BCL/MG/E97

Our reference

T/APP/5252/C/78/976/G4

Date

17 JAN 1979

Messrs Tarlo, Lyons and Aulkin
Solicitors
High Holborn House
52-54 High Holborn
LONDON
WC1V 6RU

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 88 AND SCHEDULE 9
APPEAL BY DEANS FARM EGGS LTD
LAND AND BUILDINGS AT THE EGG PACKING STATION
LUKES LANE, CUBBLECOTE, NR LONG MARSTON, HERTFORDSHIRE

1. I refer to your clients' appeal, which I have been appointed to determine, against an enforcement notice served by the Dacorum District Council concerning the above mentioned premises. I held a local inquiry into the appeal at Tring on Wednesday and Friday, 15 and 17 November 1978.

2. a. The Date of the Notice is 30 January 1978.

b. The breach of planning control alleged in the notice is the partial construction of an extension to the existing packing station buildings, not in accordance with planning permissions dated 18 August 1977 and 10 November 1977, or with any other planning permission.

c. The requirements of the notice are:

i. To demolish or alter the said building so that it complies with the said planning permissions.

ii. To remove from the said land all materials arising from such demolition or alteration.

d. The period for compliance with the Notice is Six calendar months.

e. The appeal was made on the grounds set out in Section 88(1)(a) and (b) of the 1971 Act. The evidence was not taken on oath.

SUMMARY OF THE DECISION

3. The formal decision is set out at Paragraph 55 hereof. The notice is being quashed, and planning permission is being granted, subject to conditions.

THE SITE AND SURROUNDINGS

4. Gubblecote is a hamlet in a somewhat flat rural area, near reservoirs and the Grand Union Canal, in a triangle between the villages of Wilstone, Marsworth and Long Marston. The main part of the hamlet comprises the appeal premises and 2 terraces of cottages, all of which have been modernised, and Nos 8-10 entirely rebuilt. They front directly on to Lukes Lane and have small back gardens. The packing station stands obliquely to the north-east of the cottages, the distance between the 2 sets of buildings varying between 29 and 90 metres.

5. At present there are 3 machines which sort, grade and pack the eggs on a semi-automated system. These are still housed in the original building, the extension being used at present for storage only. The cladding to the upper part of the walls of the extension is incomplete. There are no internal walls, partitions or floor covering, and only temporary services. Lorries are loaded and parked on the north-east side of the building. The area shown on Plans B and C as "Conveyor housing" is in fact a canopy under which crates are washed and materials stored. The difference between the permitted and actual height of the building is clearly shown by a white line, painted on tarpaulins, which are hung round the top of the south-western elevation.

FACTS NOT IN DISPUTE

6. The Egg Packing Station has been established at Gubblecote since about 1928. It employs about 128 people working in 3 shifts between 7.30 am and 7 pm. Between 1950 and 1972 seven planning permissions were granted for extensions to the premises. The present main building was put up in 1974.

7. On 7 April 1977 the first application (Ref 4/0413/77) was made by Alan Marshall and Partners, consulting civil and structural engineers, for a 2 storey 3 bay extension, 18 m wide, to provide an additional storage area of 463 m³. Detailed permission was granted on 24 May 1977, subject to conditions that the external facing materials should harmonise with the existing building, and that there should be a landscaping scheme for the south-western boundary. Details of this scheme were approved on 9 September 1977.

8. On 15 July a second application (Ref 4/0790/77) was made for modifications to the building, increasing the additional storage area to 654 m³. Detailed permission was granted, subject only to a condition as to the external materials, on 18 August 1977. On 10 October 1977 a third application was made (Ref 4/1030/77) for the enlargement of the proposed extension from 3 to 4 bays, adding a further bay 6 m wide at the south-western end of the building. This raised the additional storage area to 854 m³. Detailed planning permission was again granted on 10 November 1977.

9. Following complaints from local residents, it was discovered that the building, which was then in process of construction, was higher than it was shown on the approved plans. A fourth planning application was made on 6 December 1977 (Ref 4/1314/77) showing this additional height. After a site inspection by the planning committee, permission was refused on 28 January 1978, on the grounds that the proposed development by reason of its height would be detrimental to the rural amenities of the area, and to the residential amenities of the adjoining cottages. Enforcement and stop notices were subsequently served.

THE APPELLANTS CASE

Ground (b)

10. Before the present extension was begun the building housed 2 packing machines. Eggs came from all over the country by lorry, although a large proportion were produced locally. They were unloaded at the back of the building, to be automatically sorted into boxes, scanned for defects, graded, and packed into cartons for re-loading and dispatch. The extension had been needed firstly to provide room for a third machine, in order that the total output could be increased from 6,500 to 10,000 cases (each of 30 dozen eggs) per week, secondly to provide 850 m³ of storage space for packaging materials, eliminating the present need for storage facilities elsewhere, and thirdly to allow packaging materials to be fed automatically to the loading points of the machines, instead of by hand.

11. The basic concept for the extension had always been the same, namely

i. The ground floor was to contain 2 packing machines, with facilities for unloading direct from the tailboards of lorries at the back of the building.

ii. The upper floor was to be used for the storage of packaging materials, with a powered belt for unloading from the back of the building.

iii. The westernmost machine in the existing building was to remain where it was, but the rest of that existing building was to be used as an extension of the warehousing and loading areas. Loading would then take place from both the north and north-east sides of the building.

iv. Each of the 3 machines would be fed with packing materials by gravity, down chutes from the upper floor.

This system would reduce labour costs, and cut down the wastage of packaging materials.

12. The criteria for the design of the chutes was as set out in document 28. Plan D showed a section of the building as it would be if the appeal was allowed, and it was completed without the roof height being reduced. Each machine would have a series of 20 chutes, terminating at a height of 1.5 m above each machine. In the extension they would run from the first floor storage area down to the machines in the existing building. The chutes to the third machine would run from a gallery above the covered yard on the south side of the building. This yard contained a conveyor for moving re-useable crates, hence the rather misleading description "Conveyor housing" on some of the plans. Provided the chutes were all appropriately angled, and of sufficient length to contain adequate supplies of material, all 60 chutes could be kept filled by a single operator working on the first floor.

13. It was only after the principle of the extension had been approved, that the precise details were worked out. These were incorporated in drawings submitted under the building regulations (Plans M, N) on 10 August 1977. These plans showed the increased height for the first time. The consulting engineers considered that such increase was not material in planning terms. The steel framework was erected in accordance with these plans.

14. The exact measurements had been agreed in correspondence with the planning authority, who should not now resile from that agreement. (Documents 18-26). The depth from slab or floor to ground level was 1.1 m. The height of the building as constructed from floor to ridge was 8 m and from floor to eaves 6.9 m. On the plans the subject of the permissions, the ridge height was shown as between 6.7 and 7.1 m, and the eaves height between 5.6 and 5.9 m (see Document 25). There were also variations between the different sections and elevations on the approved

plans (for example see Plan L). These discrepancies were not the result of any intention to mislead, but could have arisen in reproduction, and in any event the plans were not intended to be scaled so precisely.

15. The maximum discrepancy between the approved plans and the building as constructed was 1.3 m in both the ridge and eaves heights. These could be reduced to 0.9 m and 1.0 m respectively depending on which plan was selected. The figures mentioned in the original grounds of appeal by a firm of architects were incorrect. The correct datum was the internal finished floor level, rather than the ground level, which might vary. The percentage increase in height was something between $11\frac{1}{4}\%$ and $14\frac{1}{2}\%$ above the floor slabs; from the ground level it would be nearer 10%. The plans as approved showed the extension with a volume of about 3,021 m³. The additional height resulted in an increase in volume of about 686 m³. Depending on which of the approved plans was used the increase in volume was something between 14.6 and 21%.

16. The issue was whether the departure from the approved plans was of such significance as to affect this particular development from a planning point of view, in short, whether it was material. It had been laid down in the case of *Lever Finance Ltd v Westminster London Borough Council* (1971, 1 QB 222) that a planning permission covered the work specified in the detailed plans, and any immaterial variations thereto. The precise height of the extension, as opposed to its bulk and location, had never been regarded as particularly significant until the neighbours began to press their objections.

17. Three sets of plans were passed promptly by the officers acting under delegated powers, without the matter being regarded as controversial in anyway. At the outset the planning authority had accepted that the packing station should house the 3 machines. Even when the 4th bay was added, resulting in the overall size of the packing station being increased by a third, there was still no objection.

18. The minutes of the Development Committee showed that at first officers thought that the discrepancy in height was 0.75 m only, and they had advised the Committee that the Secretary of State would be likely to grant planning permission (Document 17). It was very difficult to maintain that whereas an extra 0.75 m was acceptable, once it was raised to 1.3 m it suddenly became unacceptable. The variation did not involve any increase in floor area. Only when pressured by local residents did the Committee seek to go back on all their previous decisions. Whereas they had previously been prepared to adopt a flexible policy towards this substantial industrial undertaking in a green belt area, when faced with this small discrepancy they suddenly became wholly rigid in their attitude. Their subsequent action in serving not only an enforcement but also a stop notice was to say the least of it unusual.

19. The Notes for the guidance of applicants for planning permission, issued by the planning authority (Document 27) stated that the layout plan should show the approximate contours and ground floor levels of proposed buildings, and that the building plans should show the level of the ground floor and the site in relation to the level of the adjoining street or streets. The variations, and the absence of specific dimensions on the plans, showed that these requirements had not been complied with, but there was no objection by the planning authority, indicating again that these measurements were not regarded as critical. However the plans submitted with the building regulation applications (Plans M, N) dated July and September 1977 showed all the dimensions, correctly scaled.

20. Before the extension was built the packing station was not visible from the backs of the houses. Now it was clearly visible, so it was not surprising there were objections from the occupants. Your clients had fixed a tarpaulin to the side of the building, with a white line to indicate the permitted height. Even if the roof was lowered the building would still be plainly visible from the backs of the houses or from the gardens.

21. The additional height was immaterial for 3 reasons. Firstly it was within the broad band of tolerance considered to be so by the architects, engineers, planning authority and developers concerned. The building retained the same characteristics, with a factory floor below, and storage space above. Secondly the increased height did not bring the building into view from any new point of significance, nor had there been any alteration to any existing view of it. Thirdly it did not of itself result in any increased activity at the premises. The appeal on ground (b) should succeed.

Ground (a)

22. The deemed application related to the incomplete building as it now stood. If planning permission was granted it would be for the retention of that building, although it was not expected that there would then be any difficulty about the fixing of the additional cladding and completion of the building as a whole.

23. The small additional height was essential so that the chutes, and therefore the whole automated system for distributing packaging materials, could work properly. Plan E showed an attempt to reduce the eaves and ridge heights without abandoning the existing steel lattice-work. This would involve firstly a reduction in the ground floor ceiling height to 2.45 m, which was unacceptable to a work force used to a height of 3.5 m. If the chutes were to remain at the critical angle of 24° , to allow the necessary fall, then they would be reduced from 6 m to only 2.7 m in length. This would be too short to allow a constant supply of packaging materials to each machine. The chutes to the machine in the existing building, even if raised to a height of 1.4 m from the floor of the upper storey, would still have to be angled upwards for 4.3 m before the necessary 24° fall could be obtained. This would make it virtually impossible for the operator to feed the chutes, or to see when they needed replenishing.

24. Plan F showed another attempt at a solution, by redesigning and recreating the lattice work. This would cut down the storage space for packaging by 16%. The chutes in the new extension would still only be 3 m long, which was inadequate. The chute to the machine in the existing building would have a horizontal section 4.35 m long and a downward section 10.8 m long, the entry point still being 1.4 m from the floor. Thus it would still be virtually impossible to see when the chutes needed replenishing, and to feed them accordingly. The difficulty could not be overcome by a system of powered belts and rollers because the flat packages of eggs would tend to get caught up on a conveyor of this kind.

25. There were 2 deliveries of packing materials per week, brought in lorries 40 ft long. At least every other load had to be redirected to other storage accommodation nearby. The heavy vehicles had to go back down the narrow lanes, accompanied by other vehicles transporting the employees who helped with the unloading. From the other stores smaller quantities of packaging materials had to be brought back to the appeal premises at least 6 times a week in the company's own vehicles. The provision of adequate storage space would reduce this double handling, and thus the number of vehicles using the narrow lanes. There were not many vehicle movements after dark, although loads of eggs coming from Cornwall did sometimes arrive in the small hours, and this was unavoidable.

26. There had been no previous attempt by the planning authority to limit the growth of this substantial non conforming use in a rural area. This was perhaps because they realised it was a valuable source of local employment, particularly to married women needing part time jobs. Paragraph 14 of Circular 71/77 indicated that proposals for reasonable expansion of industries on their present site should be permitted unless refusal would result in some substantial recognisable planning gain.

27. It would be unreasonable to impose conditions which would negate the permissions already granted, and restrict the existing use of the whole site (see *Pyx Granite v MHLG*, 1960, AC, 260). If this were done the appellants would be left with 2 permissions, and clearly they would not be prepared to abandon unrestricted rights in respect of the whole site, in return for the meagre gain represented by the permission for a slightly higher building. Such wide ranging conditions as the planning authority suggested would not reasonably relate to the development the subject of the appeal.

28. A works complex in the open countryside clearly had an adverse effect on amenity, although the packing station was not widely visible from round about. The extra height of the roof had no significant effect, and the only houses affected were the cottages in Lukes Lane, which were in any event close to an industrial complex. The view from the lower floors and gardens of some of the cottages was already restricted by the intervening garage block behind Nos 8-10 Lukes Lane. The reduction in height would do nothing to improve the view from the cottages, nor would it do anything to meet the much more general complaints of the residents. If it was decided planning permission was needed it should be granted.

THE PLANNING AUTHORITY'S CASE

Ground (b)

29. The plans attached to the applications dated 15 July and 10 October 1977 (Documents 10 and 13, plans J, K) showed the extension to the Packing Station for which permission had been given. The variation in height showed increase of 20% and 16% from floor to eaves and ridge respectively. The canopy over the loading bay on the north side of the building, shown on photograph 10, was not shown at all on the plans. Any variations of ground level had no bearing on the distance between parts of the building. The instructions accompanying the planning application forms (Document 27) made it clear that scaled drawings were required, and the submitted plans showed a scale in the bottom right hand corner. From this the height of the proposed buildings could be calculated accurately by those considering the application.

30. As to the measurements, counsel for the planning authority did not seek to resile from the agreed figures as set out in Documents 23-24, although the planning witness Mr Hill had reservations about the minimum discrepancies shown in Document 25, since these might depend on whether the datum line was the ground level or the floor level.

31. When the first application for the extension to the egg packing station was submitted, it was thought that this was a development which should be restricted. However, in view of the history of the site, the employment opportunities offered by the business, and the status of the appellants in the local community, it was decided that permission should be granted. The residents of the cottages were notified of the first planning application for the extension in May 1977 (Document 7). Details of it were also advertised in the local press.

32. After complaints, a report was prepared, and presented to the planning committee on 8 December 1977 (Document 17, P1). The measurements quoted in that report were not entirely accurate. After some discussion, the committee decided at that stage to let matters go. On 24 January 1978, a further visit was made, when accurate measurements were taken. By this time the last planning application (Document 13) had been received, showing the increased height. The planning committee made a visit to the site, followed by a special meeting on 28 January, at which it was decided to refuse the application. It was felt that the extra height tipped the balance between what was and was not acceptable.

33. It was immaterial whether the planning committee regarded the exact height and bulk of the building as critical. It was only necessary to compare what had been permitted with what had been built. The test was that set out in the Lever Finance Case at Page 230, Para B (Document 29). In deciding what was material it was necessary to consider whether the variation was significant, having regard to the nature of the development and its surroundings, the use of the building and its overall effect.

34. Some guidance was given by Schedule 1 Class VIII of the Town and Country Planning General Development Order 1977. For the purposes of the Order an increase in height, and an increase of over 10% in the volume, was clearly material. In the cases involving outline and detailed permissions it had been decided that it was only very minor discrepancies which did not invalidate the latter (see *Hamilton v West Sussex County Council*, 9 P and CR 279), *Shemara v Luton Corporation*, 18 P and CR 520, and the comments at page 4-6017 of the *Encyclopaedia of planning law*). In the case of the appeal building, no reasonable person looking at it could say that the increase in height and bulk was immaterial. Local residents considered the increase most significant. After further visits the planning officer had come to the firm conclusion that the additional height was material.

35. There was no direct authority as to the exact extent of departures from approved plans which did or did not constitute a material variation. This was therefore an important test case. A decision that such a major departure from approved plans, involving a considerable increase in both the height and volume of a building, was not material, would make it very difficult for any planning authority to know when they were justified in taking enforcement action in such cases. It would be a charter for careless, ill-disposed or foolhardy developers to disregard the terms of a planning permission, or the need to obtain planning permission at all.

Ground (a)

36. On the approved County Development Plan Gubblecote was within an area without specific notation. On the submitted County Structure Plan it was within the proposed extension to the Metropolitan Green Belt.

37. The photographs showed the building from nearby properties, from the highway, and from further afield. From these the beneficial effect of restricting the building to its permitted height could be assessed. That additional height had a considerable adverse effect on the adjoining properties and the area as a whole. Construction of the building had continued for several months after it was known that there was a breach of planning control. Eventually a stop notice was served, to stop the work, and if planning permission was now to be granted compensation might be payable.

38. In recognition of the nature of the appellant company, and its role as an employer in the locality, a number of permissions had been granted over the years, although the site was in an area where development had been significantly limited. Residents were entitled to expect higher standards of amenity in districts where green belt policies were applied. It was not unreasonable to insist on strict compliance with the terms of the permissions which had been granted.

39. If it was decided to grant permission regard should be paid to the objections from local residents, which highlighted the problem of traffic noise early in the day. A condition had been imposed on the planning permissions for the additional workshop (Documents 4, 5) limiting its use to the period 0800-1800 hours from Mondays-Fridays, and 0800-1300 hours on Saturdays. No restriction had so far been imposed on the use of the main packing station, but if permission was to be granted for the increased height, consideration should be given to the imposition of a similar condition limiting the hours of commercial vehicle movements. Such conditions could

be said reasonably to relate to the development the subject of the appeals, in accordance with the decision in *Penwith DC v SOS* (1977, JPEL, 351).

40. Upholding the notice would not have any effect on employment. The increased efficiency of the new automatic loading system for packaging materials would in fact result in the loss of 4-6 jobs.

41. The requirement of the notice "to demolish or alter" the building was common-sense in the circumstances. There was no reason why the planning authority should not under-enforce, and not insist on the whole building coming down. There was no criticism of this wording of the notice by the appellants. Although the deemed planning application related only to the building as it was at present, if planning permission was granted there was unlikely to be any technical objection to the additional works necessary to complete the building, and the parties requested that an informal view be given on this.

THE CASE FOR THE INTERESTED PERSONS, GUBBLECOTE RESIDENTS ASSOCIATION

42. They had not obtained any independent measurements of the building, but they resisted any attempt to minimise the discrepancy between the plans as approved and the building as constructed, and did not consider themselves bound by any agreement between the appellants and the planning authority. The difference in height was material, as it resulted in the view from the backs of the houses being much more restricted.

43. Mrs Marshall on behalf of the residents, had inspected drawings in the council offices in April 1977, before the detailed plans and elevations were submitted. She had been assured by a council officer that their homes would not be affected. Several months later Mr Dean gave a party for the residents, at which they were assured that they would barely see the extension behind the garage block. The building was in fact twice the height of the garage block. As the residents did not object to the first application they were not informed about the later ones, including that for the extra bay. After the stop notice was served the appellants offered to paint the cladding green, remove the windows in the extension facing the cottages, and plant a screen of Leyland Cypress trees on the boundary.

44. These suggested concessions did not remove the fundamental objections to the height of the building. Such trees would not screen the top of the building adequately because of their conical shape. The extension was an eyesore, which could be seen from almost every vantage point in the flat countryside round about. It dominated the backs of the cottages and their very small gardens, cutting out light and restricting the view, and making the gardens less productive. The cottages now had an outlook over an industrial site, even though they were in a rural area. They had been greatly devalued, and proved difficult to sell.

45. There were other disadvantages from the industrial complex, particularly noise and vibration from lorries setting off at 5 am, litter, and noise from trolleys and loudspeakers in the buildings. The extension was designed to increase the throughput of eggs at the station by over 50%. This would mean an equivalent increase in the volume of packaging materials required, and in the number of deliveries, so it was most unlikely that the traffic would decrease. The result would in fact be either more journeys or the use of larger lorries, so there was bound to be additional nuisance.

46. Gubblecote had been very much improved as a hamlet, and the Lukes Lane cottages in particular had had a great deal of money and effort spent on them, some having been entirely rebuilt. Now they were dominated by a building which was completely out of context with its surroundings. The additional height made a material difference to its appearance, both from near at hand and from a distance.

47. As to the need for automated conveyors the appellants could solve their problems if the building was limited to its permitted height by the introduction of a conveyor system whereby the packaging materials were transmitted on rollers, rather than down chutes.

48. The residents did not object to the existence of the packing station as such, but they felt that the time had come to call a halt to the continual extensions and enlargements. They would welcome conditions aimed at limiting the hours of work, preventing litter and bonfires, and screening the overhead lighting in the complex.

CONCLUSIONS

Ground (b)

49. The building as constructed is more than 10% higher, and in the region of 15-20% greater in volume than that originally approved. It appears that this extra height was contemplated at the time the second application for building regulation consent was made at the beginning of September 1977. Although the packing station is a noticeable feature in this flat rural landscape, it is not large by comparison with industrial buildings in general, and I consider that such an increase is significant in the context of this particular building. I do not accept that such a distinct and overall increase in height comes within the category of immaterial variations which can be expected in the course of any substantial construction project. I consider that it has amounted to a material departure from the approved plans, and therefore a breach of planning control. The appeal on ground (b) fails.

Ground (a).

50. Turning to the planning merits, I have some sympathy with the residents of the cottages in Lukes Lane, who must now find the packing station a very dominating feature behind their homes. In reaching my decision I have been helped by the very detailed plans submitted, and the white line painted on the tarpaulins draped around the partly completed building. If the building is reduced to the previously permitted height, there may be some vantage points from which it is a little less obtrusive, but I do not believe that such reduction in height will make any real difference to the outlook from the cottages, the overshadowing of the gardens, or any other amenities for the residents.

51. I am sure that reducing the height of the building will have no effect on the other matters which are the subject of complaints from the residents, which are almost inevitable when industrial and residential properties are in such close proximity, especially in an otherwise rural area such as Gubblecote. I have come to the conclusion that it would be wrong to make the appellants re-organise much of their packing station, and probably accept a somewhat less efficient system of working, to the detriment of their business and their workforce, for the sake of what I regard as at best a minimal improvement in the outlook for the residents of Lukes Lane. I have therefore decided to allow the appeal on ground (a).

52. I have also considered whether it would be appropriate to impose conditions. As to screening, very large trees would be needed to break up the outline of the building, and these would overshadow the cottages and gardens even more. I do not consider this would be a practicable solution. As to the more wide-ranging conditions

which were suggested, I consider it would be unreasonable, in all the circumstances of this case, to impose conditions restricting the operation of the packing station as a whole, but that it would be right to ensure that the building is limited to its present height and size and to make some provision for the colouring of the cladding.

53. As to the former it seems to me appropriate that the building should be completed in accordance with Plan O, submitted with the application dated 2 December 1977 (ref 4/1314/77). I consider that it is within my powers under Section 88(6)(a) of the 1971 Act to grant permission for the completion of the building, as the Section makes specific provision for this. As to the colouring of the cladding this would be beneficial, but rather than stipulating a colour, I consider it would be better to provide that this be in accordance with a scheme to be agreed with the planning authority, and I would hope that the residents' association could also be consulted about this. I have considered all the other matters raised at the Inquiry, but find that they do not affect my decision.

FORMAL DECISION

54. In exercise of the powers transferred to me, and for the reasons given above, I hereby direct that the enforcement notice be quashed. I hereby allow your clients' appeal, and grant planning permission for the construction of an extension to the existing packing station buildings, at the egg packing station, Gubblecote, Tring, Hertfordshire, subject to the following conditions:-

a. The building shall be completed only in accordance with the plan submitted with the planning application dated 2 December 1977 (ref 4/1314/77) and refused by the planning authority on 28 January 1978, provided always that in case of any discrepancies between the dimensions shown on the plan, and those of the existing structure, the latter shall prevail.

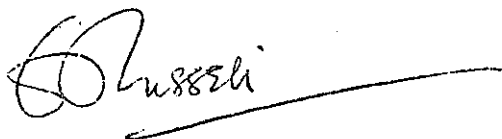
b. Before the building is brought into use, the cladding shall be painted or treated in accordance with a scheme to be agreed with the local planning authority, or in default of agreement as shall be determined by the Secretary of State.

55. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than Section 23 of the Town and Country Planning Act 1971.

RIGHT OF APPEAL AGAINST DECISION

56. This letter is issued as the determination of the appeal before me. Particulars of the rights of appeal to the High Court are enclosed for those concerned.

I am Gentlemen
Your obedient Servant



C RUSSELL Solicitor
Inspector

ENC