

**APPEAL BY CHURCHILL RETIREMENT LIVING LTD AGAINST TEST  
VALLEY BOROUGH COUNCIL’S REFUSAL OF AN APPLICATION FOR  
REDEVELOPMENT TO FORM 47 RETIREMENT LIVING APARTMENTS  
FOR OLDER PERSONS WITH ASSOCIATED COMMUNAL FACILITIES,  
PARKING AND LANDSCAPING**

**SITE: EDWINA MOUNTBATTEN HOUSE, BROADWATER ROAD, ROMSEY,  
SO51 8GH**

**PINS REF: APP/C1760/W/24/3342514**

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**CLOSING STATEMENT OF THE COUNCIL**

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**INTRODUCTION**

1. As set out in the Council’s Opening Statement,<sup>1</sup>, the members of the Southern Planning Committee considered this Proposed Development for the redevelopment of Edwina Mountbatten House into 47 retirement apartments (including communal facilities, access, car parking and landscaping) to be unacceptable and felt that planning permission should be refused.
2. Seven Reasons for Refusal (“**RfR**”) were given. First, it was alleged that the Proposed Development failed to adequately protect the setting of the conservation area or the significance of the listed buildings within it (RFR1). The Proposed

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<sup>1</sup> ID2

Development was also unacceptable as it was found to be overbearing to neighbouring occupiers (RFR2), and the Appellant had failed to provide an adequate Legal Agreement (RFR 3-7).

3. As set out in the Opening Statement, a satisfactory planning obligation could overcome five reasons for refusal (**RFRs 3-7**). The Council has worked productively and proactively with the Appellant, and a draft planning obligation has been supplied. Consequently, the Council is now of the view that the planning obligation adequately addresses the RFRs relating to (i) the provision of affordable housing, (ii) the impacts on the Southampton Water European Designated Site, (iii) the impacts on the New Forest Special Protection Area (“SPA”) and Solent and Southampton Water SPA; and (v) the failure to secure off-site health infrastructure.
4. The Council maintains that the obligation should address the need for offsite public open space. The Council's view on why that is so is addressed in the Round Table Session on the Planning Obligation, and a summary of the Council’s position is set out towards the end of these Closing Submissions.
5. These Closing Submissions, therefore, predominantly address the Council’s position after the evidence at this inquiry has been heard. We start by addressing the first main issue concerning impacts on heritage assets (“**RFR1**”) and then consider the impacts upon the occupants of 30-36 and 38-48 Palmerston Street (“**RFR2**”).

### **ISSUE 1: Impacts on Heritage Assets**

6. The written evidence of the Council explained how the Members of the Southern Planning Committee had serious concerns about the impacts of the Proposed Development on heritage assets. The RfR stated that:

*“By virtue of the scale, bulk and design of the proposal the development would be detrimental to the special architectural and historic importance of the setting of the Romsey Conservation Area and the setting of heritage assets. This is compounded further when the proposal is viewed from the roundabout of the A27 and Palmerston Street. It is acknowledged that the development would result in less than substantial harm to the significance of these designated heritage assets and the conservation area. However, the public benefits of the development would not outweigh this real and identified harm. As such, the proposal is contrary to Policies E1 and E9 of the Test Valley Borough Revised Local Plan (2016)”.*

7. This Site is located adjacent to the Romsey Conservation Area<sup>2</sup>. Romsey's special quality is that of a quintessential historic English market town.<sup>3</sup> Character Area 4<sup>4</sup> is most closely associated with the Appeal Site, where buildings are generally noted to be 2-3 storeys, but the taller structures are typically located closer to the town centre. Those properties on the Hundred are in rows of 19<sup>th</sup> and early 20<sup>th</sup>-century terraced cottages. The urban grain on the southern end of Palmerston Street is, however, finer<sup>5</sup> with smaller plot sizes and diminutive cottages.
8. All parties agree that this is a Site which is “*sensitive*” in heritage terms.<sup>6</sup> The special interest of this part of the Conservation Area is derived from it being one of two the principal approaches to the town and its development as a suburb<sup>7</sup>. It also allows the rural backdrop of the Conservation Area to be readily appreciated and

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<sup>2</sup> CD4.10.

<sup>3</sup> CD4.10, §2.1.

<sup>4</sup> CD4.10, 25.

<sup>5</sup> Scott XX

<sup>6</sup> White XX.

<sup>7</sup> Conservation Area Appraisal Page 26

understood. This is noted in the Conservation Area appraisal, which describes the mature tree line at the Tadburn Stream, allowing the “*suburban character of this area*” to be appreciated.<sup>8</sup> The edge of settlement, pared-back design of Edwina Mountbatten House also allows the “*humble terraces*” opposite the Site, which have simple banding or no applied decoration at all<sup>9</sup> to be appreciated.

9. The Palmerston Street approach is part of the entrance sequence of the green gateway as one enters into Romsey along the Bypass. This approach is marked by continuous landscaping, with mature trees and the presence of the brick wall to the south, marking the boundary of the Broadlands Estate. As you enter into Romsey, the Appeal Site and the distinctive gables of the Old Manor House are centrally placed.<sup>10</sup>
  
10. That can be readily appreciated in the historical documentary material. Figure 11 of Mr Wright’s evidence shows the View south towards Broadlands, circa 1900.<sup>11</sup> It clearly shows the trees of the Tadburn Stream providing that semi-rural backdrop to the Conservation Area on its southern side. That “*rural edge*” is clearly discernible even today behind the low-lying Edwina Mountbatten House – see Mr Wright’s Proof of Evidence, Figure 21, where it is clear that one is looking at the settlement edge with dense tree cover readily visible; and Mr Jackson’s XX where he agreed that the rural hinterland was clearly perceptible both from the Site itself<sup>12</sup> and further up Palmerston Street.
  
11. As was explored in the evidence of Mr White and Mr Wright, this is a part of Romsey that has historically hosted agricultural and commercial uses, which one

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<sup>8</sup> Conservation Area Appraisal, Page 26.

<sup>9</sup> Conservation Area Appraisal, Page 25.

<sup>10</sup> See Burns, Fig 2.

<sup>11</sup> Figure 11

<sup>12</sup> DAS, Illustrative Diagrams and in the masterplan.

might expect of an edge-of-town site. There was a historic association with the Old Manor House too where the occupants used the Site as a yard. That is exemplified in Mr Wright's Figure 6, the aerial view of 1930s, showing the Site from the South. In the foreground are the trees of the Tadburn, with William Jeffery's yard (who was involved not only in farming but also in contracting from the yard), which was later occupied by the Ward family, and now forms part of the Appeal Site.<sup>13</sup>

12. It is hard to see why the Appellant witnesses have such difficulty with the term "*petering out*" – that represents the feeling of moving from the urban, to the rural. It is clear that the rural-edge feel has been maintained by Edwina Mountbatten House, which is low-lying and allows that feeling of the semi-rural backdrop to seep into the experience of the Conservation Area, as it does not dominate or urbanise this part of Romsey.
13. We also see echoes of the importance of bringing the stream's influence into the town centre, as articulated in the future vision for this part of Romsey through the South of Romsey Town Centre Masterplan<sup>14</sup>. There is a clear ambition for that to be maintained in the future development plans for the area.
14. Mr Burns and Mr Wright appear at this inquiry to share their observations on the Proposed Development's ability to respond to that Site context. They are experienced design and heritage professionals who have produced comprehensive proofs of evidence explaining why, in their view, the Proposed Development would be unacceptable for this Site given its scale, bulk, and design.

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<sup>13</sup> §27 of Wright Proof of evidence.

<sup>14</sup> CD4.8

15. The Council agrees that RFR1 is focused on the scope and impacts on heritage assets. However, as is common ground among all relevant experts in this inquiry, design is an essential consideration when contemplating heritage conservation issues. That is why Mr Burns - and Mr Jackson and Mr Scott - have provided evidence.<sup>15</sup> Indeed, it was the Appellant who first confirmed at the CMC that it would be calling design-specific witnesses at the inquiry.

16. **First, on scale and bulk**, Mr Burns sets out how and why the continuous references through Appellant's witnesses to *storeys* is unhelpful. Throughout their evidence, the Appellant's witnesses have explained how and why 2-3 storeys would be in-keeping with the local area. In truth, the 2.5 storeys on the Palmerston Street elevation would have the equivalent height of another "*floor*" in real terms. With respect, the building heights are of more assistance than references to "*storeys*"; these may only reflect historical building dimensions.<sup>16</sup>

17. **Second**, the scale of what is proposed is compounded by the impacts of floor levels. In Mr Burns' view, the Proposed Development was an inappropriate response given that it had an average AOD of 15m on this Section of Palmerston Street, with Finished Floor Levels ("**FFLs**") of 16.75m AOD – a difference of some 1.75m.<sup>17</sup> There is a definite stepping up to the Palmerston Street elevation from Palmerston Street itself.

18. **Third**, as Mr Burns sets out in his Proof, this does not take into account the heavy volume of the roof nor the massing of the elevations. In short, this brings a form of

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<sup>15</sup> As explored with Jackson, Scott and Burns during XX and EiC.

<sup>16</sup> Burns §4.3.8.

<sup>17</sup> Scott XX.

development to this end of Palmerston Street, which is described in Mr Burns' proof as "*startling*" and is agreed by Mr White (in XX) to be "*stark*".<sup>18</sup>

19. That is plainly at odds with the smaller, more diminutive, humbler context of the eastern side of Palmerston Street at its southern end.<sup>19</sup> This amount of urban development is also at odds with the semi-rural backdrop to this end of Palmerston Street. This was a key concern of the Design Review Panel ("**DRP**"), which had particular concerns about both scale and materiality, which are now agreed by all parties to be highly relevant in assessing this application.

20. As explored with Mr Jackson in XX, the DRP's main concern was scale.<sup>20</sup> Much of what Mr Jackson said in his EiC about the design evolution focused on the elevational treatment of Palmerston Street frontage, and on the treatment of corners of the development along the A27 and Broadwater Road.<sup>21</sup> It was evident from Mr Jackson's answers to questioning both in EiC and XX that the focus had been on more cosmetic elements of the scheme rather than substantially reducing the height on the Palmerston Street elevation.

21. To understand how stark the change will be, one needs only to consider the Verified Visual Images ("**VVIs**"). Mr White agreed that these were an essential tool in this case to assess the impacts of the development.<sup>22</sup> Though much has been made of the Conservation Officer's positive (ultimate) feedback on this development, she did not have the VVIs at her disposal when contemplating the consequences of this Proposed Development. The Committee, however, did. They have also been

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<sup>18</sup> Scott XX,

<sup>19</sup> Jackson XX.

<sup>20</sup> As explored with Jackson in XX.

<sup>21</sup> The Inspector can compare and contrast the pre-app scheme with that which now forms the Proposed Development. It is obvious that the extent of the changes on the scale fronting onto Palmerston Street is not summarised anywhere, including in the DAS.

<sup>22</sup> White XX.

available to inform the professional views of Mr Burns and Mr Wright. They should also help the Inspector form a view about the extent of the change (and its effects) in this location.

22. When viewing the VVIs, it is essential that the Inspector considers them with the following caveats: first, in Fig 10, viewpoint 5 (July 2024), the tree in the foreground of the image is substantial, but it is deciduous. From that viewpoint, the building is obscured in the summer months, and we can see the effects of that in the existing and the proposed shots. As Mr Jackson agreed, it will look starkly different to that image in the Winter months.<sup>23</sup> They also do not convey the dynamic experience of what one would experience whilst moving around the conservation area or on the approach along Palmerston Street.

23. **Finally**, in relation to design, much of what is proposed will be out of keeping with the Conservation Area. For example, there will be uPVC windows as opposed to those that are timber-framed, which prevail in this part of Palmerston Street.<sup>24</sup> Plainly, this is not a traditional material, and there is nothing about the design of the windows which can be said to be informed by the Site's historical context.<sup>25</sup> There will be stick-on chimneys. Mr Wright also sets out how there is a uniformity to the terrace on the Palmerston Street elevation, creating a largely undifferentiated central block<sup>26</sup>. You can compare and contrast this with the finer grain of Palmerston Street. The proportional relationship between the very large dormers and elevation has no precedent in the conservation area and makes the building look top-heavy.<sup>27</sup>

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<sup>23</sup> Jackson XX.

<sup>24</sup> Jackson XX.

<sup>25</sup> Wright Proof, §97.

<sup>26</sup> Wright Proof, §100

<sup>27</sup> Ibid.



24. Mr Wright sets out in his Proof how all of this bears on the impacts on the conservation area.<sup>28</sup> Under XX, Mr Wright stated that the medium level of less than substantial harm (“LSH”) to the conservation area as a whole cannot be sustained given that it will not impact the whole conservation area but only a Part of Character Area 4. However, he remains of the view that the harm sits within the category of less than substantial harm (a 4/10 or at the lower end of the medium band<sup>29</sup>) and that this harm should weigh against the public benefits of the scheme in §208 NPPF planning balance.

25. Next, we turn to the impacts on listed buildings. One can compare and contrast the approach taken by Mr White and Mr Wright. Tellingly, Mr White’s analysis is focused on repeatedly suggesting that the significance of a particular asset can be “*best*” appreciated when one is standing on the street opposite it.<sup>30</sup> But that is to critically down-play one of the most important features of this as a historic *townscape* where almost all of the assets mentioned in his proof are listed for their *group value*; they are part of an important story of Romsey, how it has developed from its historic core near the market place, outward towards the semi-rural fringe. That, of course, requires each and every asset to be appreciated by walking around the town, acknowledging that these are assets which are part of the evolution of this settlement.

26. With respect, that kinetic experience is not really addressed as part of Mr White’s evidence. He says that the “*best*” experience of an asset is by standing opposite, but an essential experience of those assets is understanding them in their wider context.

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<sup>28</sup> Historic England’s checklist which is going to be affected include: Proximity to asset, Position in relation to key views to, from and across, Prominence, dominance or conspicuousness • Competition with or distraction from the asset, Dimensions, scale and massing, Architectural and landscape style and/or design, Change to the built surroundings and spaces, Change to skyline, silhouette.

<sup>29</sup> Re-X Wright

<sup>30</sup> §3.3.5, §3.3.15, §3.3.20, §3.3.25, §3,3.3.30. §3.3.35. §3.3.45, §4.3.30

At present, the Appeal Site does not currently interfere with that, but the current building on the Site allows the assets to be seen, experienced and understood in their historical context.

27. To take each asset in turn, first, Mr Wright also sets out in detail how there would be a decisive change to the settings of the listed buildings in **Group 1**<sup>31</sup>, which are essentially those buildings on Palmerston Street and which have a gradation of harm attributed to them, increasing the closer that you get to the Site, and decreasing as you get further away. The kinetic experience (impact on setting, affecting appreciation of the significance of those buildings) reduces the further away one gets. The interference with that historic townscape is somewhat reduced as one becomes less aware and moves further away.<sup>32</sup>

28. Similarly, the **Old Manor House's** historically important setting is affected<sup>33</sup>. The Proposed Development would affect the experience of the building insofar as it is seen in views along Palmerston Street in both directions. Its visual and formal relationship with elements of its setting would be disrupted. Though the use of the Site has changed over time from agricultural or contracting and, more recently, to the current Edwina Mountbatten House, it remains both formally and visually associated with the Old Manor House, which has a historic role as a marker on the edge of this part of Romsey. This would be somewhat confused by the mass of the Proposed Development on the Appeal Site.

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<sup>31</sup> Historic England's checklist as set out in Wright proof §104. (Proximity, position in relation to key views, prominence dominance or conspicuousness, competitions with or distraction from the asset, dimensions scale and massing, architectural and landscape style and/or design, change to the building

<sup>32</sup> See §104 of Wright Proof.

<sup>33</sup> Wright Proof, §107 - Proximity to asset, Position in relation to key views to, from and across, Prominence, dominance or conspicuousness , Competition with or distraction from the asset , Dimensions, scale and massing Architectural and landscape style and/or design , Change to the built surroundings and spaces , Change to skyline, silhouette

29. The Inspector can assess the extent to which the landscape and amenity considerations align with what would be expected on this fringe of Romsey. The landscaping design does not meaningfully bring the historical green influence of the Tadburn into the setting of the conservation area. Given its configuration, the courtyard landscaping would be internal to the development; it would not be perceptible to users of the A27, Palmerston Street, or Broadwater Road.
30. Taken together, the Council considered that the scale, the bulk, the design (including of aspects to the landscaping scheme) would urbanise this backdrop to the conservation area. This would be harmful to the many heritage assets, to the conservation area, and that is something that the NPPF urges attracts the starting position should be that “*great weight*” should be given to the asset’s conservation.
31. As an aside, much has been made of the heritage assets Mr Wright mentioned in his note to the Appellant post-CMC. However, the criticism has little substance – not least, given that the same assets were addressed in the Heritage Statement. That point really does go nowhere. Moreover, having visited the Site on several occasions, Mr Wright has conscientiously reviewed his assessment of harm throughout, particularly those assets which are now considered unlikely to be affected. Conscientiously updating the case when undertaking further assessment work is to be commended rather than criticised.
32. **Finally**, the approach to be taken to §208 of the NPPF is ultimately a matter for the Inspector: the weighing of public benefits against the heritage harms arising from the Proposed Development. This includes which public benefits can be weighed in that “*heritage balance*” and whether what is offered is enough to overcome the heritage harm identified to the special interest of those assets – and that exercise needs to be repeated for each and every asset affected.

33. On the question of whether enough public benefits are offered to outweigh the harm, Mrs Webb now agrees with the Appellant (through XX) that the public benefit would outweigh the less-than-substantial harm when the harms to heritage assets are weighed against the public benefits in the §208 NPPF balance. She now agrees that the Proposed Development would comply with §208 NPPF and Test Valley Borough Revised Local Plan Policy E9.

### **ISSUE 2: Impact on Living Conditions**

34. Reason for Refusal 2 alleged that:

*“The proposed development by virtue of the size, scale, mass and proximity to dwellings on Palmerston Street will result in a sense of enclosure and overbearing impact on 38-48 Palmerston Street & 30-36 Palmerston Street to the detriment of the residential amenities of these dwellings, contrary to policy LHW4 of the Test Valley Borough Revised Local Plan (2016)”*

35. The Appellant refers to the Urban Design Compendium and Manual for Streets to determine the Proposed Development's acceptability regarding the height—width ratios across Palmerston Street.

36. Palmerston Street should have a ratio of 1:3 or 1:2.5, given its residential nature. For a road of 14m in width, this would equate to a building height of no greater than c.6.0m to allow for a 1:2.5 ratio.<sup>34</sup> However, as Mr Scott's evidence sets out, a ratio of 1:1.5m can be acceptable (as a minimum) with 1:3 (as a maximum).<sup>35</sup>

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<sup>34</sup> Burns Proof §4.3.5.

<sup>35</sup> Scott, Table 1, page 22.

37. Mr Burns took issue with the approach being taken by the Appellant, given that it had not measured to the dormer (and which Mr Burns and Mr Jackson agree is clearly perceptible or legible in the street). Since the start of this inquiry, the Appellant has produced a further annotation demonstrating 1:1.5 ratio across the street, from the height of the dormer.<sup>36</sup> The Council now agrees that 1:1.5 (just) complies with the acceptable ratio, albeit that it does not take account of the deep roof line.
38. However, the Appellant also agrees (through the XX of Mr Jackson and Mr Scott) that the relative ratios of height and width across the street are not the *only* metric by which one would assess “*overbearing*”. Rather, the height, width, relative levels of the scheme and a more holistic, qualitative assessment in terms of design are all relevant factors to bear in mind, too.
39. There clearly will be a difference in the perception for those dwelling on Palmerston Street. The actual heights (as opposed to storeys) in their context, the widths of the building, the level differences, and the imbalance between small cottages on one side of the road and the larger mass of built form are all relevant features. So, too, is the perception that the proposal has encroached an extra 0.80m to the site boundary.
40. It does not simply relate to the mathematics of height-width ratios.<sup>37</sup> There are qualitative as well as quantitative considerations which are relevant to consider in this case. This was something alighted upon by the first DRP<sup>38</sup> and was a comment

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<sup>36</sup> Note that this is from 14.185m of width across Palmerston. Street.

<sup>37</sup> §4.3.7 of Burns Proof.

<sup>38</sup> See Jackson Appendix C, page 41.

repeated by the second DRP even after the modifications to the scheme were undertaken.<sup>39</sup>

41. The Inspector can see – on the ground - what this would mean by looking down Palmerston Street. The heritage model lighting columns in this section of Palmerston Street, stand at 8.62m above the footway. The proposal is almost 4m higher than this at ridge height, and in a continuous, linear block, rather than the vertically aligned and slender lighting. He can also stand opposite the Proposed Development on Palmerston Street to see how this would be experienced by residents of Palmerston Street. Mr Burns was of the view that this would bring a *perception* of overbearing.

42. **Finally**, the Inspector can look to the VVIs to take a more holistic view of what is proposed. That will show, in relative terms, how the buildings are proposed to sit alongside one another and whether or not that is likely to lead to a perception of overbearing.

43. Mrs Webb was questioned in XX on the basis that the scheme complied with the relevant guidelines in the Manual for Streets and the Urban Design Compendium.<sup>40</sup> Whilst she did refer to qualitative considerations, she ultimately formed the view in XX that this Scheme would comply with the relevant policies in the Development Plan (LHW4) and that RFR2 should no longer form a reason for refusing permission for the development.

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<sup>39</sup> See Jackson Appendix C, page 44.

<sup>40</sup> Table 1 of page 22 of Scott's Proof.

### **ISSUE 3: Planning Obligation**

44. The drafting of the Planning Obligation has overcome all other RFRs. The CIL Compliance Statement sets out why each of the requests meets the relevant tests in the Community Infrastructure Levy Regulations 2010 (“**the CIL Regs**”): that the request is necessary to make the development acceptable in planning terms, that it is directly related to the development and fairly and reasonably related in scale and kind to the development.
45. The only substantive matter remaining between the parties relates to the Outdoor Sports Facilities contribution and the payment of £76,916 for the provision of Bowls at Memorial Park and Tennis at Romsey Sports Centre.
46. **First**, §§96 and 97 of the NPPF set out that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. The Local Plan Policy LHW1 and the Infrastructure and Developer Contributions SPD (2023) require public open space to meet the needs of any net increase in residents. In that regard, the Council considers the request to be “*necessary*”.
47. **Second**, the Council is of the view that this request is also “*directly related*” to the Proposed Development as the Test Valley Public Open Space Audit 2018 identified a 4.82ha deficit of outdoor sports facilities in the Romsey Abbey ward. In addition, the Test Valley Playing Pitch Strategy & Sports Facilities Update Paper 2022 (§5.39) identifies that the enhancement of existing bowls facilities in Test Valley continues to be a long-term priority and that the council has sought to allocate developer contribution funding towards facility enhancements. The strategy also

identifies a longer-term action to review all bowls facilities in the Borough to ensure they best meet the needs of the population. The Test Valley Borough Sports Facilities Strategy 2020 – 2036 identifies that the main facility issues for the town tennis club is the lack of ancillary changing and social facilities. Romsey & Abbey Tennis Club has a 5-year development plan with a priority for larger pavilion facilities.

48. **Finally**, the request is “*fairly and reasonably related in scale and kind*” to the development. The cost-per-person is outlined in the Infrastructure and Developer Contributions SPD (2009). This was used as the basis for the calculation and was index-linked to take account of RPI. This is aligned to the scale of provision that is sought within policy LHW1. The per-person contribution figures are derived from the cost of a sqm of each of the distinct types of Public Open Space and how many sqm one person requires. The 2009 base figure for sports ground is £57.68/sqm, and this has been RPI’d each year, giving a per person figure of £1,220.89 towards sports ground using the adopted local plan policy’s POS requirement.

49. Accordingly, the Council feels that its request meets the relevant tests in Reg 122. However, should the Inspector disagree, there is a provision within the Planning Obligation to strike out that request and instead attribute the additional sum towards affordable housing, which has been viability assessed.

## **CONCLUSION**

50. The concessions made by the Council’s witnesses resulted from a series of subtly directed questions by a skilled advocate. Concessions made by witnesses are obviously a material consideration for the Inspector to have regard on the conclusions of a proposal. Of course, as the Inspector, you are entitled to bring to



bear your own judgement, both as a planning professional and as an Inspector, to weigh the written and oral evidence before you. That is particularly so where, as in this case, the final decision turns on a matter of planning judgement.

51. In light of the concessions made in the XX, the Council took the entirely pragmatic step to review its position on the appeal. That does not mean that it was unreasonable for the Council to allege that the Proposed Development was unacceptable when it drafted its RfRs in the first instance when it drafted its Statement of Case or the very detailed Proofs of Evidence. The purpose of an inquiry is to test propositions forensically, and in light of the questioning by the Appellant's advocate, an honest witness, under the glare of cross-examination, will reflect on their evidence. That is not something which should be lightly criticised.

52. However, in light of the evidence given under cross-examination and the Council having immediately reviewed the implications for the case as part of its ongoing duties of case management, it took the entirely proportionate and reasonable approach to formally withdraw both remaining reasons for refusal. The consequence of that withdrawal is that the Council no longer opposes this appeal.

**SIONED DAVIES**

**No5 Chambers**

**19 August 2024**