



## Appeal Decision

Inquiry held on 21 August 2018

Site visit made on 21 August 2018

**by Pete Drew BSc (Hons) DipTP (Dist) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 August 2018

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### Appeal Ref: APP/T5150/C/17/3183219

### 35 Cricklewood Broadway, London NW2 3JX ("the premises")

- The appeal is made under section 174 of the Town and Country Planning Act 1990 [hereinafter "the Act"] as amended by the Planning and Compensation Act 1991.
  - The appeal is made by Mrs Brigitte Krafczyk-Myers against an enforcement notice issued by the Council of the London Borough of Brent.
  - The enforcement notice was issued on 21 July 2017.
  - The breach of planning control as alleged in the notice is: *Without planning permission, the erection of permanent marquees/structures on top of the single storey rear extension of the premises ("the unauthorised development")*.
  - The requirements of the notice are: STEP 1 Demolish the marquees/structures on top of the single storey rear extension of the premises. STEP 2 Remove all items and debris from that demolition, and remove all materials and equipment (including tables, chairs and gas lamps) associated with the unauthorised development from the premises.
  - The period for compliance with these requirements is 1 month.
  - The appeal was lodged on the ground set out in section 174(2) (c) of the Act, but, as explained below, this was changed during the life of the appeal. Since the prescribed fees have not been paid within the specified period the application for planning permission deemed to have been made under section 177(5) of the Act has lapsed.
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### Formal Decision

1. It is directed that the enforcement notice is corrected by:
  - the deletion of the words "*permanent marquees/structures*" in Schedule 2 of the enforcement notice and their replacement with the words "*a permanent marquee*"; and,
  - the deletion of the words "*marquees/structures*" in STEP 1 in Schedule 4 of the enforcement notice and their replacement with the word "*marquee*".
2. Subject to these corrections the appeal is dismissed and the enforcement notice is upheld.

### Procedural matters

3. Section G of the appeal form, which concerns the fee for the deemed planning application, says: "*The marquee has been in place since 2004*". However no ground (d) was lodged on the form in pursuit of this assertion. Nevertheless a series of witness statements were subsequently submitted and so The Planning Inspectorate [PINS] canvassed, and later decided to admit, this new ground of appeal. As a consequence the Council requested that the method of appeal change from the arranged site visit to a Public Inquiry. Allied to the above the Appellant indicated that she did not wish to pursue the original ground (c) and this was confirmed at the Inquiry. I shall deal with this appeal on this basis.

4. In advance of the Inquiry, in an email to PINS dated 15 August 2018, the Appellant sought to "*postpone the hearing*" until 29 August 2018. However because it was such short notice the Inquiry was convened as arranged and the Appellant was given an opportunity to request an adjournment to allow a further witness to appear. However, prior to concluding her case the Appellant agreed there was no need for an adjournment. I shall proceed on this basis.
5. At the Inquiry it was agreed that a second marquee, which has been referred to in some of the submitted documents and is evident in some photographs, relates to other land. However the apparent consensus that only one marquee has been erected on the appeal site needs to be reflected in a correction to both the allegation and the requirement of the notice. The Appellant expressly agreed that corrections to this effect would not cause injustice and I am satisfied that there would be no injustice to either main party from doing so.
6. On 22 August 2018 PINS wrote to the Appellant to invite comments on certain matters arising from the accompanied site inspection, which was convened after the close of the Inquiry. I have taken account of the comments received<sup>1</sup>.
7. At the Inquiry an application for a full award of costs was made by the Council of the London Borough of Brent against Mrs Brigitte Krafczyk-Myers and by Mrs Brigitte Krafczyk-Myers against the Council of the London Borough of Brent. These applications are the subject of separate decisions.

#### **Ground (d): Approach**

8. Ground (d) in an enforcement appeal is the equivalent of a Lawful Development Certificate [LDC]. The Planning Practice Guidance [hereinafter "the Guidance"] says: "*In the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability*"<sup>2</sup>. This evidential test applies equally to an Inspector and applies in substance to a structure, as well as a use, such as the marquee at issue here.
9. The enforcement notice is dated 21 July 2017 and so the 'material date' for the purpose of ground (d) is 4-years prior to the date of issue, namely 21 July 2013. On this basis the onus of proof falls on the Appellant to demonstrate that the structure was substantially completed prior to the material date and has not otherwise been removed and re-erected, such that: "*...at the time the enforcement notice was issued, it was too late to take enforcement action against the matters stated in the notice*" [see section E.(d) of the appeal form].

#### **The weight to be given to the witness statements**

10. The Appellant has submitted a total of 11 witness statements. However none refer to the Statutory Declarations Act 1835 and only one has been witnessed by a solicitor or commissioner for oaths. It is far from clear, even from the one witness statement that has been witnessed<sup>3</sup>, what the role of the solicitor or commissioner for oaths, whose stamp it bears, was. It does not say that the oath was administered. In these circumstances, as indicated in my pre-Inquiry note, I attach all of these witness statements extremely limited weight because

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<sup>1</sup> Document 2.

<sup>2</sup> Source of quote: paragraph ID: 17c-006-20140306.

<sup>3</sup> Document 1.

there is no evidence that the oath has been properly administered prior to the statements having been signed. As I indicated at the Inquiry this leads me to find that there is no remedy to any error of fact that the statements might contain. So, whereas someone who is untruthful in a statutory declaration might be convicted of perjury, that would not be possible in this instance.

11. Notwithstanding the above, all of the witnesses who gave evidence at the Inquiry did so after I administered the oath or affirmation. That is the reason why an Inquiry was necessary and appropriate in this case. To that extent the problem that I have identified with, by way of example, Mr Carey's witness statement has been cured. I am therefore able to attach greater weight to the live oral testimony of the witnesses who gave evidence at the Inquiry.
12. My view as to the weight to be given to the witness statements is endorsed by the live evidence of Mr Carey. Whereas his witness statement says: "*I have seen it [which can only be a reference to the marquee] built 2004/5*", he said on oath that he did not see it being built. Indeed Mr Carey did not appear to recognise the document that, at face value, he had signed before a solicitor or commissioner for oaths on the day before the Inquiry. As his testimony might be said to directly contradict his witness statement it underlines my approach.

### **Live evidence of Mr Carey**

13. Mr Carey's testimony was that he had seen plastic and timber being delivered by men and had asked the Appellant what was going on. In his words a "*few months*" later the Appellant had shown him the marquee, once it was erected. Mr Carey maintained that his visit had been "*over 10-years ago*" and, whilst in his words he was "*not 100 %*", he thought it might be 13 or 14 years ago.
14. Mr Carey estimated that the marquee was 10 m x 8 m, which contrasts sharply with its actual size of 4 m x 4 m. However he said he went straight out of a door at first floor level into the marquee, which is consistent with my inspection and would support a finding he did visit a marquee erected on the appeal site. He also said there were no side windows, which contrasts with what exists, but the explanation might be that he could recall it being "*open to the air*" around the bottom and so it is conceivable that the sides were absent or rolled up. In the alternative my inspection revealed the existence of roll down blinds on the windows. In either scenario I accept that any windows might not be evident.
15. Mr Carey unambiguously said in answer to a question in cross-examination that the marquee was white. There was no suggestion from his testimony that the roof of the structure, which he estimated to be approximately 3 m high, was a different colour. If there was "*space around the bottom*", as he said, this would suggest that the remainder of the marquee, i.e. including the roof, was white.
16. Mr Carey said he had never seen the marquee from outside. He acknowledged that he could not see No 35 from his flat. He stated that he had only seen the marquee on one occasion and had not seen it since. Any ambiguity as to the implications of this answer was resolved by his confirmation that he did not know whether the marquee had been taken down and re-erected at any stage.
17. On the balance of probability I accept that Mr Carey visited the appeal site on one occasion over 10-years ago, which I take to be before 2008, when he saw a white plastic marquee erected directly to the rear of No 35. Whilst there are discrepancies in his testimony, notably in terms of the size of the marquee that he recalls, in view of the fact that his evidence was given on oath and subject

to cross-examination it is appropriate to attach significant weight to his oral testimony. This leads me to find that a marquee was erected on the appeal site on an unknown date that was well before the material date, as defined.

### **Live evidence of the Appellant**

18. The Appellant read, and hence confirmed the content of, her witness statement dated "22.8.17". She confirmed that the first of the witness statements dated "15.4.18" was hers, but said that the date of 2005 was incorrect. However she described the second of the witness statements dated "15.4.18" to be "*strange*". At face value the signature that it bears appears to be markedly different to her signatures on the others, even allowing for the fact that the Appellant does not always appear to use her double barrelled surname. She introduced herself at the Inquiry as Mrs Myers and the first witness statement dated "15.4.18" appears to bear the name of "*B Krafczyk*". This "*strange*" discrepancy underlines why it is only appropriate to attach extremely limited weight to all the witness statements that have not been subject to confirmation by witnesses, following the administration of the oath, at the Inquiry.
19. The Appellant's testimony that a "*4 m x 4 m Gala Tent Marquee (100% PVC)*"<sup>4</sup> was erected on the appeal site in 2004 appears to be supported by the invoice that was submitted by the Appellant's Agent on 10 August 2018. It says: "*we charge you for the construction and the delivery*". That would appear to be consistent with the evidence of Mr Carey and the delivery men he recalled.
20. The Appellant said on oath that part of the marquee that was erected in 2004 was later ripped and that as a consequence the end panel was replaced. The Appellant said the "*6 m Gala Tent Marquee – End Panel/Window and Door – PVC (Single)*"<sup>5</sup> was used between the property and the marquee. I understand it to have been ordered larger [6 m] to enable it to extend to the property and therefore allow the Appellant to avoid getting wet when going to the marquee. This explanation might be said to be consistent with what I saw on the site.
21. The Appellant's original witness statement refers to an aerial photograph from 2008, but it was not exhibited and was only produced for the first time with the Appellant's Agent's email to PINS dated 10 August 2018. When I asked for an explanation as to why it was submitted so late and why it should be accepted, the Appellant's Agent said he had deliberately submitted it as: "*...close to the Inquiry date as possible*"<sup>6</sup>. His other explanation, that he was waiting to hear from Mr Patel with regard to the source of the Council's aerial photographs, is wholly inconsistent with the fact that this information was provided in June<sup>7</sup>.
22. The Appellant's position with regard to the 2008 photograph is anomalous. On the one hand she claims the 2008 image "*shows the erection of the marquee was completed*"<sup>8</sup>. On the other it was claimed for the first time at the Inquiry that the roof of the marquee that existed on the site between approximately 2004 and 2014 was transparent. During cross-examination the Appellant also asserted that the ridge was not evident on the aerial photographs because the frame was also transparent. She said the transparent frame was replaced in 2014 such that "*None*"<sup>9</sup> of the transparent frame remains. My site inspection

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<sup>4</sup> Source of quote: IHACO Invoice dated "05.09.2004".

<sup>5</sup> Source of quote: IHACO Invoice dated "22.05.2007".

<sup>6</sup> My contemporaneous minute of his answer just after the start of the Inquiry.

<sup>7</sup> Email from Mr Patel to Mr Al-Hairi dated 8 June 2018 at 15:43 hours.

<sup>8</sup> Source of quote: witness statement dated "22.8.17".

<sup>9</sup> My contemporaneous minute of her answer.

- confirmed that the entire frame of the marquee now comprises white painted tubular steel, which appears to slot together in various lengths. It would appear to follow that the whole of the frame is new and/or has been replaced because, by the Appellant's own admission, none of the transparent frame has been retained. The submission that was made in closing for the Appellant, that it was merely a faulty part that was replaced in 2014, is not, on any reasonable interpretation, a fair reflection of the evidence that was given by the Appellant.
23. During the Inquiry the 2008 image was interrogated and enlarged on a screen. The Appellant's Agent drew attention to two small dots in the area where the marquee now stands that took the form of a rectangle and a square. It is however noticeable that the Appellant was not asked about these when giving evidence in chief. In its absence it is far from clear what those features are. If the roof was transparent then the features might be something on the ground because, logically, one would be looking through the transparent roof. Any claim that these features form part of the marquee would appear to be wholly inconsistent with the Appellant's evidence that the roof of the marquee and the whole of the frame would, effectively, have been invisible when viewed from above because they were transparent. Moreover if those features were part of the marquee then they should be evident on later images, but they are not.
24. The Appellant said the marquee was used as a "*living space in summer*" and could be taken "*down in 2 minutes*"<sup>10</sup>, although taking her evidence in the round it would appear the latter comment relates to the PVC rather than the frame. She said the "*work is in the erection of [the] frame*" and it follows the converse is true. She otherwise referred to the PVC being connected with a seaman's knot and Velcro. My inspection confirmed the impression conveyed by these comments that the PVC would be relatively easy to dismount from the frame. However the metal frame would appear to come apart relatively easily.
25. The Appellant said that the marquee was damaged by a Russian vine in around 2014. She said that she invoked the guarantee. In this respect I note that the invoice dated "05.09.2004" records that an "*insurance guarantee*" was bought at significant extra cost. On this basis I can be satisfied that there was a guarantee. However, and notwithstanding her initial attempt at translation, the Appellant agreed in cross-examination that the letter from IHACO dated "02.03.2014" says: "*...for the repair we will dismantle the tent and rebuild it*". The Appellant unambiguously agreed that this was a faithful translation. Whilst she otherwise said that the company took the roof off and did not need to take the sides off, there appears to be an inconsistency in these respective answers.
26. The Appellant was asked about the absence of shadows on the various aerial photographs that are before the Inquiry, which I turn to fully consider below. Specifically, if I understand her oral testimony correctly, the Appellant says that whilst the roof [and its frame] was replaced in 2014, the marquee's walls are original<sup>11</sup>. As I saw during the site inspection they are white in colour and have a solid form, such that they would block sunlight and cast a shadow if the sun was at the appropriate angle. In that context she was asked with specific reference to the Google image dated "Jul 19 2013" why the walls did not cast a shadow. I regard it to be significant that she could offer no explanation.

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<sup>10</sup> My contemporaneous minute of her answer to a question in chief as to what the marquee was used for.

<sup>11</sup> In answer to the question during cross-examination about the walls she said that they "*stayed*".

27. The final point from the Appellant's testimony that I regard to be significant is that she stated that "*wood to strengthen*"<sup>12</sup> the frame was first used in 2014. The wooden frame was evident during my site inspection and, amongst other things, I note it supports the area between No 35 and the marquee<sup>13</sup>. It would appear from the Appellant's answer during cross-examination that it was added to deal with the weight of snow. This would suggest that it was only from 2014, after the material date, that there would be such a degree of permanence that the frame could not be readily taken down, for example seasonally.

***Is there any evidence to contradict the Appellant's version of events?***

28. Mr Patel said that he first started working at the Council in August 2015. Since this is after the material date it must follow that he has no personal knowledge of the appeal site prior to this date and is unable to assist the Inquiry with any observations as to the condition of the land, other than by interrogating aerial photographs. Although the Appellant's Agent made a number of criticisms of the manner in which Mr Patel conducted the investigation and his experience of doing his job there is nothing before me to support such claims. In particular I have no reason to doubt Mr Patel's testimony that reviewing aerial photographs is a key part of his role and that he has to undertake this in "*most cases*"<sup>14</sup>.
29. I start with the Google images, which all contain an "*Imagery Date*" in the bottom left hand corner. In my view it is more likely than not that the images were captured on the specific dates given. The images dated "*Jun 4 2015*" and "*Apr 8 2017*" both clearly show the marquee. A shadowing effect is clear on the latter and I note, amongst other things, the shadow from the chimney at No 35 and the shadow cast by the marquee. Even the ridge of the marquee appears to be casting a recognisable shadow in both of these Google images.
30. The contrast to the Google image dated "*Jul 19 2013*" is profound and obvious because there is no evidence of a marquee. Whilst there was some speculation at the Inquiry as to whether the round object in that image was a table, in the light of what Mr Patel drew my attention to during the site inspection I consider it is more likely than not to be the green umbrella that was observed to stand at the rear of the marquee<sup>15</sup>. Indeed, upon reviewing what Mr Patel had said in chief, he called it an umbrella. In my view that would explain the shadow that it casts and, on this basis, I reject the Appellant dismissal of that as flooring. As a matter of logic one would not have an umbrella erected within a marquee. It appeared to be agreed that the other objects were sun loungers, albeit laid out horizontally as beds, but even they appear to cast a perceptible shadow.
31. At the Inquiry the Appellant outlined the extent of what she said was a clear roof on a screen. However when one compares the image dated "*Jul 19 2013*" to the later Google images it is immediately evident that what I shall call the link structure, the 6 m end panel between No 35 and the marquee, is clear and obvious on the later images, but conspicuous by its absence in 2013. On the Appellant's version of events my understanding is that she says the walls did not change after approximately 2007. If that were the case I would expect to see some evidence of it on the 2013 image, but there is none. Indeed what I believe to be the umbrella appears to be stationed at least partly in that area.

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<sup>12</sup> My contemporaneous minute of her evidence.

<sup>13</sup> Visible in the top photograph "04/08/2016 12:34" at appendix 3 to Mr Patel's proof of evidence.

<sup>14</sup> My contemporaneous minute of his answer in chief.

<sup>15</sup> Agreed by the Appellant to be approximately 1.5 m high; see Document 2.

32. Mr Patel was cross-examined with regard to the image dated "Jul 19 2013" and it was put to him that the eaves of the roof of No 35 did not cast a shadow, but Mr Patel pointed to a shadow along the north-west side of the building; I agree. He was also asked about what were claimed to be the walls of the marquee, along the south-west and south-east sides of where the marquee now stands. Mr Patel said that these were the boundary walls and were unrelated to the marquee. During my inspection I noted a white balustrade along the south-east side of the marquee. It is broad at the top and appears to be consistent with what can be seen in the aerial image. Whilst there is nothing comparable along the south-west side the Appellant said it had been "taken away"<sup>16</sup>.
33. I acknowledge that this answer was given in response to a statement, during my site inspection, by her own Agent that there was no such feature, but that is why PINS gave the Appellant an opportunity to comment on the admission. It would be inappropriate to ignore what was said, unprompted by Mr Patel or I. In any event it was subsequently confirmed: "*The balustrade was removed in order to create a bigger door*"<sup>17</sup>. By reference to the previous answer: "*This took place in 2018 in order to increase door space*", the strong inference is that it was removed recently. On this basis it would appear that Mr Patel is correct in his interrogation of the image dated "Jul 19 2013". The Appellant has not substantiated the claim, implicit to the question put in cross-examination, that the white linear features on that Google image are the walls of the marquee.
34. In my view the image dated "Jul 19 2013" strongly contradicts the Appellant's version of events. Although a number of explanations have been advanced I have heard no convincing reason why that image, which is immediately before the material date, does not record any evidence of the very existence of the marquee. For the avoidance of doubt, the Appellant has made no claim that the marquee was erected or re-erected on 20 July 2013 or on the material date and so I can reject any possibility that such a scenario might have occurred.
35. In that context I turn briefly to the aerial photographs produced by Mr Patel in Appendix 8 of his proof of evidence. The 2003 image pre-dates when it is said by the Appellant that the marquee was first erected and so it would appear to be common ground that it does not show a marquee. I do not find the images dated 2005, May 2008 and May 2010 to be that clear, but there is a contrast between them and the Google images dated "Jun 4 2015" and "Apr 8 2017" and so I understand why Mr Patel submits that they show that the marquee does not exist. In contrast the aerial photographs that are dated "May 2012" and "April 2013" appear to be broadly consistent with the Google image dated "Jul 19 2013", and so my earlier analysis of that image applies.
36. For the Appellant three images are provided from Getmapping. I have already looked at the 2008 image. Noting the tabs along the top<sup>18</sup>, it is evident that the Appellant chose not to provide the Getmapping image dated 2013. On the balance of probability that is the image dated April 2013, which is provided at Appendix 8 to Mr Patel's proof of evidence<sup>19</sup>. The annotation on the image dated 2014 is "*Gazebo undergoing maintenance*". The Appellant was not taken to this image in chief but in cross-examination, whilst she claimed it showed

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<sup>16</sup> My contemporaneous minute of what she said.

<sup>17</sup> Source of this and subsequent quote: Document 2.

<sup>18</sup> Common to all 3 screenshots on pages 1-3 of the Appellant's aerial photographs dated August 10, 2018.

<sup>19</sup> I reach this conclusion because Mr Patel's email dated 8 June 2018 identifies the source of that image to be Getmapping. Equally that dated June 2015, already analysed, would also appear to be from that source.

furniture in the marquee, she could offer no explanation for the absence of any shadow. In contrast Mr Patel's straightforward explanation is that what one sees in that image are just the sun loungers. I find that explanation to be more convincing. For completeness the Getmapping image dated 2016 clearly shows the marquee and I find the contrast between it and the earlier images striking.

37. The final document worthy of note is the Planning Contravention Notice [PCN] issued by the Council on 22 November 2016. In answer to the very specific question as to when the marquee was erected the date of "2010" is given. I do acknowledge that the question is posed with regard to two marquees, but it would have been open to the Appellant to distinguish between them if there was a difference. I note, amongst other things, that the PCN contains the standard warnings with regard to any "*false or misleading*" reply. At the Inquiry the Appellant put this manifestly false answer down to a memory error, but a difference of 6-years from what she now says occurred is very surprising. From the date at which the claim is made it is literally half the time. It raises a doubt about the extent to which the Appellant's memory can be relied upon.

#### **Ground (d): Conclusions**

38. I have found evidence to support a finding that a marquee was erected on the appeal site in 2004. The sworn testimony of Mr Carey and the Appellant at the Inquiry, together with the documentary evidence in the form of an invoice from the supplier dated "05.09.2004", leads me to find on the balance of probability that this did take place. I also accept the Appellant's claim that a new end panel was attached to that marquee in 2007, which is consistent with the invoice from IHACO dated "22.05.2007". Although there might be doubt as to whether the marquee was erected throughout this period, this sworn testimony and documentary evidence is not outweighed by the aerial image dated 2005.
39. Nevertheless the Appellant has not demonstrated that the marquee that was erected on the appeal site in 2004 has been retained at all material times. I do not find the Appellant's explanation with regard to the absence of the marquee on the aerial photographs that are before the Inquiry for the period from 2007 to be credible. Amongst other things there would appear to be a fundamental, unexplained tension between Mr Carey's oral testimony that the marquee was white in colour and the Appellant's assertion that its roof was transparent.
40. It is unclear whether the marquee was erected and taken down intermittently or whether it was removed and only re-erected after the material date. For my purpose it does not matter, although I would stress that it has not been shown that the marquee has been retained for any continuous 4-year period. In any event it is material that the definition of "*building operations*" in section 55 of the Act includes, by virtue of section 55(1A), "*rebuilding*". On the balance of probability it would appear that is what occurred after the material date. The Appellant has failed to discharge the onus of proof to demonstrate otherwise.
41. In particular the consistent form and colour of the metal frame of the marquee as it exists would suggest that all parts of the frame were erected at the same time. This is wholly inconsistent with the Appellant's claim that it was only the roof of the marquee, together with its frame, that was replaced in 2014. The walls of the marquee are dependent on the frame and so the fact that none of the transparent frame was retained must mean that what exists is entirely new, such that the marquee that exists was erected after the material date. This is consistent with the absence of the white link structure between No 35

- and the marquee on the Google image dated "Jul 19 2013", which is obvious on later aerial images and, on the Appellant's version of events, did not change.
42. Testing these findings against the previously quoted Guidance I find firstly that the Appellant's evidence, specifically for the period after 2007 and up to 2015, is neither precise nor unambiguous. Her position appears to have shifted over the life of the investigation, for example the PCN response, and over the life of this appeal. It is extraordinary to find that the Appellant should claim for the first time at the Inquiry that the marquee, including its frame, was transparent. The Appellant has not provided a conventional statement of case or a proof of evidence, but I would still have expected that claim to be made in advance, even if it formed part of the late submission<sup>20</sup>. In its absence it is hard to escape the conclusion that this was a contrived attempt to explain the clear photographic evidence provided by the Council. Those aerial photographs clearly contradict or otherwise make the Appellant's version of events less than probable and lead me to identify a second conflict with the relevant Guidance.
43. For the above reasons I conclude that the Appellant has not discharged the onus of proof to show that the structure was substantially completed prior to the material date and been retained, rather than erected or re-erected, during the 4-year period at issue. For these reasons the ground (d) appeal must fail.

### **Conclusion**

44. For the reasons given, and having regard to all other matters raised, I conclude that the appeal should be dismissed and I shall uphold the corrected notice.

*Pete Drew*

INSPECTOR

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<sup>20</sup> Appellant's Agent's email, with attachments, dated 10 August 2018.

