The appropriate mode of appeal in this case is an inquiry. Having regard to the Appendix K criteria:

(i) The evidence needs to be tested. The Council have alleged heritage impacts. The heritage case needs a detailed examination of the significance of the heritage assets, the setting of those assets, the contribution of the setting to the significance and the impact of the advertisement on the significance. It is not at all clear the Council has understood this and there needs a proper opportunity to explore this issue by written evidence and cross examination;

(ii) Formal questioning is further appropriate given the complexity of the issues including the fallback and deemed consent;

(iii) The rigour of cross examination is appropriate where the result of a failed appeal will be a prosecution; and

(iv) The fallback issue raises complex legal issues that are best addressed at an inquiry.