IN THE COUNTY COURT AT CENTRAL LONDON

Thomas More Building
Royal Courts of Justice
Strand
London WC2A 2LL

Date: 24th October 2018

Before :

HIS HONOUR JUDGE SAUNDERS

Between :

MS IMREN BORAN

Appellant

- and -

THE LONDON BOROUGH OF WALTHAM FOREST **Respondent**

- -

Ms Justine Compton of Counsel (instructed by **Javed Nazir Solicitors** for the **Appellant**
Mr Michael Mullin of Counsel **(**instructed by **Respondents**) for the **Respondent**

Hearing date: 18th October 2018

Approved Judgment

I direct that pursuant to CPR PD 39A para 6.1 no official shorthand note shall be taken of this Judgment and that copies of this version as handed down may be treated as authentic.

.....

His Honour Judge Saunders

HHJ SAUNDERS:

1. This is an appeal against a decision made by the respondent under section 202 of the Housing Act 1996 dated 15 June 2018 who confirmed that a property offered to the appellant at Flat 16, 14 Cardiff Road, Luton LU1 1PP was suitable accommodation for her and her son, Aras. The appellant contests that it is not suitable.
2. At the hearing, I considered a detailed trial bundle which included the review decision (pages 54 to 66), the appellants notice on grounds of appeal (pages 48 to 53) and submissions from both Ms Compton (for the appellant) and Mr Mullin (the respondent) along with their respective skeleton arguments.
3. The factual background of this case is common ground between the parties. The appellant is a 31-year-old British national- a single mother with a three-year-old son. She has lived within the borough of Waltham Forest since she was three years old having moved there from Turkey where she was born.
4. In 2011, she moved in with her partner. Her son was born out of this relationship. They continued living together until the middle of 2017 when, unfortunately, the relationship broke down. The appellant suffered abuse (both mentally and emotionally) which culminated in her partner bringing his new girlfriend to the property on 29 July 2017. She was told to leave-which she did.
5. It is common ground that the domestic violence she has suffered has led to depression, anxiety and panic attacks.
6. As is set out the pages 121 to 127 of the bundle, the appellant made a homelessness application to the respondent following this event. Although the application was initially refused, it was subsequently accepted and the respondent sought to discharge its duty under section 193 of the Housing Act 1996 by offering her accommodation at Flat 16, 14 Cardiff Road.
7. The appellant did not consider the accommodation to be suitable but, she says because of her plight, accepted the offer and moved into the accommodation on the 1st September 2017. She sought a review of the suitability of this accommodation straightaway. This request is found at pages109 to 110 of the bundle.
8. The appellant consulted solicitors and they made submissions contending that the respondents failed to consider her personal circumstances including the proximity of her support network -to include her contention that, as a single parent suffering from mental health difficulties, she should not be moved out of area. It was expressed that she had lived nearly all her life in Waltham Forest and she was now separated from her family and friends. She provided a letter from her GP dated 22nd March 2018 together with a patient questionnaire which provided further information. This is found at pages 75 to 78 of the bundle.
9. The appellant was concerned that she was experiencing social isolation. The domestic violence previously suffered had contributed to her mental health problems and she was feeling isolated and lonely. There is evidence of this at pages 91 to 100 and 113 to 116 of the bundle – consisting of her disability questionnaire dated 14th February 2018 and a letter she had written in similar terms.
10. She claims to have suffered numerous panic attacks and that the loss of her support network, and the fact she has to look after a young child, has had a significant impact on her well-being. This has included hospital visits occasioned by her suffering from panic attacks.

11. On 4th December 2017, the respondent issued its review decision upholding the original decision that the accommodation offered in Luton was suitable. This is found at pages 102 to 108. The appellant appealed. This appeal was settled by a consent order

the terms of which included that the respondent would carry out a fresh review. However, on 15th June 2018, the respondent issued a further decision which upheld the original decision once again. This is found at pages 54 to 66 of the bundle - I will refer to this decision later in this judgment. It is against this later decision that the appellant now exercises her right of appeal.

12. Section 193 of the Housing act 1996 confers upon a local authority a duty to people with a priority need to find accommodation for such persons who are not homeless intentionally. It provides as follows:

"(1) This section applies where the local housing authority are satisfied that an applicant is homeless, eligible for assistance and has a priority need, and are not satisfied that he became homeless intentionally.

This section has effect subject to section 197 (duty where other suitable accommodation available).

(2) Unless the authority refers the application to another local housing authority (see section 198), they shall secure that accommodation is available for occupation by the applicant.

(3) The authority is subject to the duty under this section for a period of two years ("the minimum period"), subject to the following provisions of this section.

After the end of that period the authority may continue to secure that accommodation is available for occupation by the applicant, but are not obliged to do so (see section 194).

(7aa) The local housing authority shall also cease to be subject to the duty under this section if the applicant having been informed in writing of the matters mentioned in sub section (7ab)—

(a) accepts a private rented sector offer,
(b) refuses such an offer

(7ab) The matters are –

(a) the possible consequences of refusal or acceptance of the offer, and
(b) that the applicant has the right to request a review of the suitability of the accommodation….."

Section 208(1) provides that, so far as reasonably practicable, a local housing authority shall in discharging their housing functions.... secure that accommodation is available for the occupation of the applicant in their district. (my underlining)

13. It is also important to consider the Homelessness (Suitability of Accommodation) (England) Order 2012 which sets out the matters which the local authority need take into account in determining whether accommodation is suitable for a person.
14. These include, where the accommodation is situated outside of district or area, the distance of the accommodation from the district of the authority, the significance of any disruption which may be caused by the location of the accommodation to the employment, caring responsibilities or education of the person or members of the persons household along with the proximity and accessibility of the accommodation to medical facilities which are:
    (i) currently used by or provided to the person or members of the persons household; and
    (ii) are essential to the well-being of the person or members of the persons household…
15. In addition, the local authority must have regard to the Secretary of State's Supplementary Guidance - the Supplementary Guidance on the Homelessness changes in the Localism Act 2011 and the Homelessness Order (set out above) - which have been incorporated into Chapter 17 of the 2018 Homelessness Code of Guidance
16. These provide that a subjective test of whether accommodation is "reasonable to accept" remains but that the following should be considered:

    "48. Where it is not possible to secure accommodation within district and the authority has secured accommodation outside their district, the authority are required to take into account the distance of that accommodation from the district of the authority. Where accommodation which is otherwise suitable and affordable is available nearer to the authorities district than the accommodation which has secured, the accommodation which is secured is not likely to be suitable unless the authority has a justifiable reason or the applicant has specified a preference.

    49. Generally, where possible, authorities should try to secure accommodation that is as close as possible to where an applicant was previously living. Securing accommodation for an applicant in a different location can cause difficulties for some applicants. Local authorities are required to take into account the significance of any disruption with specific regard to employment, caring responsibilities or education of the applicant or members of their household. Where possible the authority should seek to retain established links with schools, doctors, social workers and other key services in support.

    53. Account should also be taken of medical facilities and other support currently provided for the applicant and their household. Housing authorities should consider the potential impact on health and well-being of an applicant or any person reasonably expected to reside with them, with such support removed or medical facilities were no longer accessible. They should also consider whether similar facilities are accessible and available nearly accommodation being offered and whether there would be any specific difficulties in the applicant or person residing with them using those essential facilities, compared to the support they are currently receiving. Examples of other support might include support from particular individuals, groups or organisations located in the area where the applicant currently resides: for example essential support from relatives or support groups which would be difficult to replicate in another location…"

18. The leading case in considering out of district, area or borough placements is to be found in *Nzolameso v City of Westminster* reported at [2015] HLR 22. I note, from reading the judgement in the bundle of authorities, that the needs of children are particularly stressed. Lady Hale said, in that judgment:

"27. The question of whether the accommodation offered is "suitable" for the applicant each member of her household clearly requires the local authority to have regard to the need to safeguard and promote the welfare of any children in her household. Its suitability to meet their needs is a key component to suitability generally. In my view, it is not enough for the decision-maker simply to ask whether any of the children are approaching GCSE or other externally assessed examinations. Disruption to their education and other support networks may be actively harmful to their social and educational development, but the authority also have to have regard to the need to promote, as well as to safeguard, their welfare. The decision-maker should identify the principal needs of the children, both individually and collectively, and have regard to the need to safeguard and promote them when making the decision…

30. …. The local authority may have the invidious task of choosing which household with children to be offered a particular unit of accommodation. This does not absolve the authority from having regard to the need to safeguard and promote the welfare of each individual child in each individual household, it does point towards the need to explain the choices made, preferably by reference to published policies setting out how this will be done"

16. I remind myself of my general duties in relation to such appeals:

Section 204(1) of the Housing Act 1996 provides:

"If an applicant who has requested a review under section 202—

(a) is dissatisfied with the decision on the review, or

(b) is not notified of the decision on the review within the time prescribed under section 203,

he may appeal to the county court on any point of law arising from the decision or, as the case may be, the original decision."

11. Section 204(2) of the Act provides Section 204(1) of the Housing Act 1996 provides:

"If an applicant who has requested a review under section 202—

(a) is dissatisfied with the decision on the review, or

(b) is not notified of the decision on the review within the time prescribed under section 203,

he may appeal to the county court on any point of law arising from the decision or, as the case may be, the original decision."

12. Section 204(3) provides:

"On appeal the court may make such order confirming, quashing or varying the decision as it thinks fit."

13. An appeal on a point of law encompasses:

"…not only matters of legal interpretation but also the full range of issues which would otherwise be the subject of an application to the High Court for judicial review, such as procedural error and questions of vires, to which I add, also of irrationality and (in)adequacy of reasons…"

(*Begum (Nipa) v Tower Hamlets LBC [2000] 1 W.L.R. 306;*

(1999) 32 H.L.R. 445, per Auld L.J. at p.452)

19. Against this legal framework and these facts, I must consider the appellant's grounds of appeal.

20. The first ground of appeal claims that the respondent's approach to the medical evidence obtained and considered is flawed and amounts to an error in law.

21. It is claimed that, despite the reviewing officer having accepted that the appellant has significant mental health problems, the GP's opinion is rejected-even though it is claimed, in the review decision letter, that "significant weight" should be given to the opinion of the appellant's GP.

22. The GPs letter dated 22 March 2018 is a highly significant piece of evidence. It is found at page 75. The GP is based in Luton and confirms that the appellant is suffering from depression, anxiety and paranoia. She is prescribed sertraline and propranolol-for depression anxiety. The letter also confirms that the dosage of antidepressant has increased and, most importantly, that her location in Luton is not proving beneficial to her particularly as she has a lack of access to her support network located some distance away.

23. The material part of Dr Hussain's letter reads as follows:

"(the appellant) is currently feeling very depressed and anxious, constantly worry (ing) that someone will attack her or her son.

She feels paranoid and is constantly checking the windows are locked and oven hobs are turned off. She admits her anxiety and paranoid behaviours are getting worse as she feels a big contributing factor is that she is far away from her family with no social support around and feels very alone.

(She) is taking sertraline for her anxiety and depression, which has been increased to 150 mg, and Propranolol for the anxiety but she is only getting limited relief.

I do feel that if (she) had a better supportive network around her she would cope better with her anxiety and paranoid behaviours; thus the current location is not beneficial to her health and mental state"

24. The patient questionnaire which was sent later (but unfortunately undated) adds greater weight to the above. When asked if the GP had any concerns about her mental health and whether it would deteriorate significantly if she remains living in Luton away from her family, Dr Hussain has replied:

"yes certainly. It is her isolated environment that is making her anxiety and depression worse as she has no one here and is on her own with her son and always scared and paranoid about someone breaking in"

25. When the GP is asked if there are any concerns about her ability to parent her child away from her family, the GP replies:

"no. Her main concern is always her son and she is constantly worrying about making sure he's okay but I do feel as she is alone here she is even more anxious and overprotective and thus this is making her health (anxiety and depression) worse"

26. When the GP is asked whether the appellant is coping with life in Luton, she replies quite unequivocally:

"no. Not at all. I feel this isolated environment is a key factor for her anxiety and depression getting worse thus if she was closer to family and support she would be much better"

27. It must follow, therefore, that the opinion expressed by the medical professional is such that there is a real concern that the appellant's mental health difficulties will deteriorate if she remains in Luton and that, in any event, she is not coping at all.

28. In the review decision, the reviewing officer deals with the question of the appellant's mental health between paragraphs 20 and 26. There is an additional paragraph about her physical health at paragraph 27. These paragraphs largely follow the appellant's account of her illness and the confirmatory evidence of the GP.

29. However, the reviewing officer deals with this principally in her paragraph 32. It reads as follows:

"in considering (the appellant's) case, I must give significant weight to the opinion of her GP. However, on reading the recent report (from the GP) I was left with an unease that her GP had overstated Miss Boran's situation. On reflection this may be because I asked leading questions of them. (The appellant's) testimony as to her typical day during the week in Luton reflects a person who is coping with life. If she were not coping she would be unable to cook for her son, do house work and entertain Arras by taking him out on little outings. The facts surrounding a typical day in Luton are simply at odds with a finding, as expressed by her GP, that she is unable to cope at all. It is also of significant relevance the when asked expressly whether she is coping in Luton (the appellant) answered in the negative but then went on to explain that this is

because she does not want to live there and wants to live within a short bus ride of where her family… Live. She did not answer this question by explaining that she is unable to go through her day doing what is required of her because of her mental state."

30. It appears that this paragraph seeks to overlay a matter of opinion as against the appellant's own treating doctor when the reviewing officer is not medically qualified. The implied allegation is that the GP is not acting in accordance with their professional duty. In my view, there is no evidence to support this. Indeed, it appears to be partially at odds with her following paragraph which reads as follows:

"(the appellant) has been in Luton for a period close to 10 months. During this time the symptoms of her conditions have worsened, (my underlining) *however, they are now to being treated with medication and a referral into primary care psychological therapy… There is no evidence that (the appellants) mental health has been in crisis during the period she has lived in Luton and certainly had GP has given no indication that her symptoms are at a level whereby she need specialist care through secondary mental health services. The GP's lack of referral into secondary mental health services and other statutory services such as family intervention or children social care, together with the absence of any mention of risk behaviours, in my opinion, belies an assertion that she is at risk of a significant deterioration in her mental health if she does not return to east London…"*

31. Referral to secondary mental health services is not necessarily indicative of the extent of the mental health problem. It may simply be a matter of resources. In addition, I am of the view that, even if the appellant could carry out everyday tasks with her son, that is not necessarily an indicator that the extent of her mental health is at a relatively low level and is not affected by her remaining in Luton.

32. If the reviewing officer had been at all concerned (on genuine grounds) that the GPs conclusions should be reviewed or were, in her opinion, open to some doubt, then an option would be to instruct an independent medical practitioner to provide the local authority with a view as to the weight of the evidence given by the appellant's GP. I often see this practice in such appeals. I cannot understand why this was not followed in this instance. I find it contradictory that, on the one hand, the reviewing officer says she is placing "significant weight" on the GPs evidence but then choosing to reject it.

33. In my view, the decision upon these grounds is irrational particularly where the evidence appears to show that the appellants medication has increased (contrary to the suggestion her condition has stabilised) and more therapeutic intervention is being suggested.

34. The second ground of appeal alleges the failure, on the part of the local authority, to comply with their duties under the equality act 2010.

35. The respondent accepts that the appellant's disabled person (with mental health problems) but forms the view but it should not treat her more favourably. The council is required to carry out a full assessment of suitability in the case of disability. In particular, and I'm reminded by Miss Compton's skeleton argument, an assessment has to be carried out which is structured and seeks to discover whether or not the following applies:

(a) recognition of the applicant is disabled and has a protected characteristic:

(b) a focus on specific aspects of her impairments, to the extent relevant to the suitability of accommodation;

(c) a focus on the consequences of her impairments, both in terms of the disadvantages she might suffer in living in the accommodation by comparison with persons without those impairments;

(d) focus on her particular needs in relation to the accommodation arising from those impairments, by proper comparison of the needs of persons without such impairments and the extent to which the accommodation met those particular needs;

(e) recognition that that person may be required to be treated more favourably than other persons not suffering from a disability or other protected characteristics;

(f) a review of the suitability of accommodation which pays regards that.

36. The specific section dealing with the Equality Act is found at paragraphs 28 to 34 of the review decision to be found at pages 61 to 63 of the bundle. The appropriate test in *London Borough of Hackney v Haque* [2017] EWCA Civ 4 is properly set out.

37. Interestingly, the reviewing officer indicates that she is "*left in no doubt as to the disabling effect of (the appellant's) anxiety and depression*" which is contrary to the conclusions that she reaches on medical matters and further supports my findings in relation to ground one.

37. Insofar as the Equality Act is concerned; the decision letter reaches no conclusion. After an examination of the appellants mental health as I have set out previously, the respondent merely states as follows:

"… I do not believe that the facts and evidence surrounding her present situation in Luton as such she should be treated more favourably than a person without her disabilities, through an alternative offer of accommodation near to her family and friend. It is also the case that the availability of medical services that conditions are not confined to east London. Luton has the benefit of a hospital, secondary mental health services and a range of GP practices."

38. In my view, the respondent fails to adequately explain why the appellant should not be treated more favourably. It requires greater explanation and the reviewing officer should revisit this point is given. The reasons given are inadequate and, by definition, irrational.

39. The third ground of appeal is the appellant's allegation that the respondent has adopted a flawed approach to the conclusion that the appellant can access her support network without significant difficulty.

40. The main section of the review decision letter which deals with this reads as follows (paragraph 42):

"I do not accept (the appellants) submissions, that by living in Luton, your client is effectively cut off from her family… On the contrary your client speaks with her family… Daily. She also spends every weekend in London and her father and auditor visit her regularly in Luton. The train service from Luton to London is exceptionally frequent and fast. The fast trains take just 25 minutes to get to King's Cross. Were she to need her family during the middle of the night her father could get to her in one hour. In my opinion Luton is more accessible to Leyton compare with other areas of London. Your client has stated that she is not asking to be housed down the road from her parents, but in my opinion, she more or less is. In an ideal world the local authority would be able to accommodate this request, but in the end, it cannot owing to the enormous constraints on housing resources available to it.

41. I agree with Miss Compton's submission that this examination of the appellant's circumstances simply fails to consider the practicalities of the appellant travelling to and from London (Leyton) on a regular basis. The appellant is in receipt of benefits. I'm advised that the return costs of train travel between the two locations can amount to anywhere between £16 and £32. The question of affordability has not been considered. Against the background that it is accepted that she needs the support of her family network, there does not appear to have been any consideration of how difficult that journey would be-in the practical consequences of under her of her undertaking a journey due to her mental health difficulties.

43. The decision, therefore, in relation to the appellants access to her support network is irrational.

44. The fourth ground is that the respondent has failed to consider the adequacy of remote contact with the appellant support network having suggested, in the review decision letter,

that the appellant conducts face time contact through social media on several occasions each day. I accept Mr Mullin's submission to an extent that such contact can be beneficial and is workable. It, clearly, appears to be available and works satisfactorily in the case of the appellant.

45. However, my view is that that assessment (as set out in the review decision letter) only goes part of the way. The decision letter does not appear to consider whether this level of interaction is sufficient for the appellant -particularly in the light of her mental health difficulties where common sense would seem to indicate that personal contact (rather than through social media) would be more effective and beneficial. There is no consideration (or at least proper consideration) such as to establish if this method is adequate.

44. The final (and fifth) ground is the appellants allegation that the respondent has failed to make proper enquiries of the availability of other properties.

45. Two points are made by the appellant here-the second by way of amended Grounds of appeal. First, it is said that the respondent has wrongly limited its examination of what may be available to a specific date or a short time period-and has fallen into error by failing to consider any timescale within which suitable accommodation may become available.

46. It has been suggested to me that I may like to adopt the approach applied in this court by Mr Recorder Wilson QC in Bakarate v LB of Brent – a decision given on the 10th October 2016 – and obviously unreported. In that decision, he considered the fairness of any such policy within his paragraphs 29 to 31 which read as follows;

"29. To take another example, if in the particular week the housing authority has been able to play several families in close by suitable accommodation, it is likely that for a while at least it will be short of any further such family accommodation. This would particularly be so during the holiday period when some or all of the housing authority Scouts were not actively seeking properties to let. Great injustice would be caused the other homeless families on its list if, at the end of that week, a local authority was able to insist that far away accommodation was suitable for them all, on the grounds that at that moment nothing closer was available.

30. In the case of placements within a reasonable distance, timescale ingredient may make no difference to the issue of suitability, but where the proposed accommodation is so far away that it will force the rupture of a family's medical and social connections, it seems to me that it

is only possible to assess its suitability with the benefit of some indication of how long it would be something better to turn up. In my view, therefore, in considering the suitability of faraway accommodation in the light of the supplementary guidance, it is incumbent on the local authority not merely to investigate the particular needs of the family, but where far distant locality would have a considerable impact on the families' social connections, to investigate the likelihood of more suitable accommodation coming available within a reasonable time"

47. Whilst this decision is not binding upon me, I find the learned Recorder's reasoning attractive and persuasive. If one looks at the review decision in this instance, the reviewing officer falls into this trap. In her paragraph 38, she says:

"owing to the scarcity of temporary accommodation units within London, offices at Waltham Forest are most successful in obtaining units of accommodation in Hertfordshire, Bedfordshire, Essex and the West Midlands. <u>On the day that (the appellant) had to be provided with accommodation</u>, (my underlining) *the council had at its disposal an insufficient supply of suitable accommodation within its own borough, and it was for this reason that she was offered accommodation in Luton"*

48. The key phrase here is "on the day". The decision letter simply does not go on to consider the question of timescale which is clearly relevant to the decision and in order to avoid unfairness.

49. The second point is that the respondent not only relied on its allocation policy to justify an offer of accommodation which is out of borough or near to borough- contrary to paragraph 48 and section 208 of the Housing Act 1996 – but also, by reference to that policy, does not appear to have applied that policy correctly.

50. I refer to page 139 of the bundle which contains Waltham Forest Council's temporary accommodation allocations policy. At paragraph 3.0 is set out guidelines on the location of accommodation. It is divided into Zones A, B, and C. Zone A is in the London Borough of Waltham Forest. Zone B is in a nearby borough. For these proceedings, Luton is in Zone C which is categorised as those "located outside of Zones A and B".

52. The reviewing officer's decision letter deals with this at its paragraph 37 (page 64 the bundle). It reads as follows:

"the council's temporary accommodation placement policy in force at the time the offer of accommodation in Luton was made to (the appellant), made it clear that the council would endeavour to house all homeless households in its borough, which is described as being zone a, but that where there was an insufficient supply, households would be housed in zone B, which at the time comprise the neighbouring boroughs of Newham, Tower Hamlets, Hackney, Islington, Haringey, Enfield, Redbridge, Barking and Dagenham, and Epping Forest. Furthermore, the policy stated that where it was not possible to Hausa household in zone B, when there was nothing available in zone a, I would be housed in zone C, which was described as anywhere outside of zones A and B. Finally, the policy states that even when there were available properties in zones A and B, on any particular day, these may not be offered to those who did not fall into one of the priority households in the event that they needed to be kept back or for priority households presenting on the day or those already in temporary accommodation needed to be moved to an address more suitable within the borough or nearer to it."

53. Putting aside the fact that the policy refers to accommodation becoming available "on any particular day"-which underpins this decision and Bakarate set out above - it is obvious from the text the reviewing officer has not set out whether properties were considered in zone B. The impression given is that, once it became apparent that there were no available properties in Borough, zone B was not considered in that the reviewing officer (or housing officer dealing with the matter) simply moved to finding accommodation in Zone C.

54. I, therefore, find the both points made within ground five are made out due to the irrationality of the reviewing officer's decision in relation to the allocation of accommodation.

55. Mr Mullin, for the respondent, has quite correctly referred me to the overarching principles that should apply to appeals against reviewing officer's decisions.

56. He relies upon the general approach suggested in guidance given by Lord Neuberger in *Holmes – Moorhouse v Richmond – upon -Thames [2009] 1WLR 413* The sections he relies upon are found at pages 44 to 52. In particular:

> *"50. Accordingly, a benevolent approach should be adopted to the interpretation of review decisions. The court should not take too technical view of the language used, or search for inconsistencies, or adopt a nit-picking approach, when confronted with an appeal against review decision. That is not to say that the court should approve incomprehensible or misguided reasoning, but it should be realistic and practical in its approach to the interpretation of review decisions*
>
> *51. Further, as the present case shows, a decision can often survive despite the existence of an error in the reasoning advanced to support it. For example, sometimes the error is irrelevant to the outcome: sometimes it is too trivial (objectively, or in the eyes of the decision-maker) to affect the outcome: sometimes it is obvious from the rest of the reasoning, read as a whole, that the decision would have been the same notwithstanding the error: sometimes there is more than one reason for the conclusion, and the error only undermines one of the reasons; sometimes, the decision is the only one which could rationally have been reached. In all such cases, the error should not (save, perhaps, in wholly exceptional circumstances) justify the decision being quashed"*

57. It is my finding that – even considering the benevolent approach suggested in *Holmes – Moorhouse* – the errors which I have set out above are not so trivial so as not to have had any effect on the reviewing officer's decision (for reasons I have explained).

58. Whilst understanding the considerable pressures reviewing officers are under to produce such detailed decisions, in this case, and for the above reasons, the appeal is allowed. I quash the reviewing officer's decision dated 15th June 2018 which is the subject of this appeal.