



## PLANNING COMMITTEE

10 DECEMBER 2008

### APPENDICES

<u>APPENDIX</u>	<u>REPORT</u>	<u>PAGE. NO.</u>
A	SERVICE PLAN	1
B	COURTWAYS TPO - PLAN	14
C	COURTWAYS TPO – LETTER OF OBJECTION	15
D	PLANNING FEE INCOME	17
E	APPEAL DECISION – 11 AYEBRIDGES AVE	18
F	APPEAL DECISION – 10 MAYFIELD GARDENS STAINES	21
G	APPLICATIONS DETERMINED BY DTS	33

# Planning Committee Service Plan: October 2008 – March 2010

## Summary

This plan reports on performance against those actions that the Council has agreed must be taken to meet service priorities for Planning.

It combines the targets that have been agreed within the –

- Sustainable Community Strategy/Strategic Plan
- National Indicator Set
- Local Area Agreement (2008-11)
- Strategic Plan (2005-2010)
- Comprehensive Performance Assessment Improvement Plans
- Equality Strategy
- Risk Management Plan
- 5 Year Financial Forecast
- Data Quality Policy
- Procurement Strategy

- SCS
- NI
- LAA
- SP
- CIP
- ES
- RMP
- FF
- DQP
- PrS

The 'Origin' column of the table below indicates the origin of the action point

Performance:



Progressing well



At risk of not being delivered and may require intervention



Failing



Action complete

Ref	Origin	Action	Project Lead	Implement by (not later than end March 2011)	Barriers to implementation / additional resources identified	Measurable outcomes	Performance	Comments
1	SCS NI154 (LAA)	<p>Provide a range of Affordable Housing for those in housing need, including those with support needs:</p> <ul style="list-style-type: none"> <li>• Provide an additional 500 units between 2006 and 2011</li> <li>• Determine future level of need and establish new target</li> <li>• Design policies to address any unmet needs</li> <li>• Consider opportunities for achieving more than 40% affordable housing on sites where financially viable</li> <li>• Ensure that land resources are maximised and that affordable housing densities are appropriate, protecting the Green Belt and achieving quality development</li> </ul>	<p>Head of Planning</p> <p>Director of Housing and Community Services</p> <p>Policy and Impl. Manager</p>	By 2010	<p>Achieving schemes that are economically viable to secure the units required</p> <p>The housing market not delivering the housing numbers reflecting economic conditions</p>	<p>Production of Supplementary Planning Document on Affordable Housing and contributions to set context for new requirements (as part of Local Development Framework) derived from the Strategic Housing Market Assessment</p> <p>Surrey wide LAA target Yr1 - 750</p>		<p>Supplementary Planning Guidance adopted December 2007</p> <p>Supplementary Planning Document awaiting outcome of Strategic Housing Market Assessment</p> <p>Part of work on Local Development Framework</p>

Ref	Origin	Action	Project Lead	Implement by (not later than end March 2011)	Barriers to implementation / additional resources identified	Measurable outcomes	Performance	Comments
2	SCS NI155 (LAA)	Ensure the delivery of housing growth as consistent with the South East Plan and LAA targets – providing 161 units p/a plus 2500 units on the former DERA site	Head of Planning	March 2011	Downturn in housing market.	Average 161 units/yr plus the former DERA site requirement  Surrey wide LAA target (units) Yr1 2833 Yr2 2833 Yr3 2833		
3	NI (159)	Ensure a steady supply of new homes with as high as possible the amount built on previously developed land	Head of Planning  Development Control Manager  Policy and Impl. Manager	Annual	The market not bringing forward sites  The need to release Greenfield sites necessitated by failure to meet housing targets	Number of sites on brown field land on which development takes place.		5 and 10 year supply of land available. Almost 100% of all new built homes on previously used land
4	SCS	Develop planning policies that contribute towards the provision of improved social and physical infrastructure.	Head of Planning  Policy and Implementation Manager	By 2011	Economic downturn  A strategy for securing appropriate funding to achieve improvements will need to be developed.	Provision of identified social and physical infrastructure. Depends on income stream		Part of work on Local Development Framework

Ref	Origin	Action	Project Lead	Implement by (not later than end March 2011)	Barriers to implementation / additional resources identified	Measurable outcomes	Performance	Comments
5	Government guidance	Produce a Local Development document for the provision of appropriate level (as determined by SEERA) of gypsy and traveller pitches	Policy and Impl. Manager	December 2011	Planning Policy team to produce in liaison with housing officers. Resources available to prepare the Local Development framework	The location of further pitches		Awaiting policy confirmation from SEERA on site requirements
6	SCS	<p>Improve accessibility providing more safe, convenient, and choice of modes of travel:</p> <ul style="list-style-type: none"> <li>Promote company travel plans</li> <li>Consider, in consultation with SCC, opportunities for providing infrastructure improvements</li> <li>Support 'Airtrack' initiative subject to suitable infrastructure requirements being provided</li> </ul>	<p>Policy and Implementation Manager</p> <p>Development Control Manager</p> <p>Head of Planning</p>	<p>Ongoing</p> <p>Ongoing</p> <p>Ongoing</p>	<p>Reluctance of company staff to participate</p> <p>Resources to implement - SCC budget constrained to maintenance</p> <p>Securing financial package to enable scheme to proceed</p>	<p>Participate in Airtrack Forum (£5,000 per annum contribution)</p>		<p>Travel plans in place for major developments</p> <p>Enhanced physical infrastructure</p> <p>Continued support of Airtrack scheme subject to suitable infrastructure provision. Transport and Works Act application now subject to consultation prior to submission in 2009</p>

Ref	Origin	Action	Project Lead	Implement by (not later than end March 2011)	Barriers to implementation / additional resources identified	Measurable outcomes	Performance	Comments
7	SCS	<p>Fulfill obligations of the Crime and Disorder Act 1998 (Section 17), to improve community safety and reassurance, and reduce fear of crime:</p> <ul style="list-style-type: none"> <li>Support measures to reduce anti-social behaviour, and crime &amp; disorder</li> <li>Design out crime potential as part of development process</li> <li>Seek traffic measures to reduce speeds and traffic/pedestrian conflict</li> </ul>	Development Control Manager	Ongoing  Ongoing  Ongoing	<p>Conflicts with other planning criteria Existing Planning staff/Community Safety Officer involvement. in promoting s.17 initiatives</p> <p>Availability of resources</p>	<p>Schemes amended to design out crime. Planning permission refused where unacceptable crime and disorder impact</p>		<p>Improved design which takes crime &amp; disorder into account</p> <p>Implementation of measures approved as part of planning applications</p>

Ref	Origin	Action	Project Lead	Implement by (not later than end March 2011)	Barriers to implementation / additional resources identified	Measurable outcomes	Performance	Comments
8	SCS	<p>Ensure that planning is environmentally sensitive:</p> <ul style="list-style-type: none"> <li>Carry out environmental/ sustainability appraisals of all developing policies</li> <li>Incorporate up-to-date policies on design</li> <li>Seek to achieve increased densities in appropriate locations</li> </ul>	<p>Policy and Impl. Manager</p> <p>Policy and Impl. Manager</p> <p>Development Control Manager</p>	<p>LDF Development Control Policies by March 2011</p>	<p>Existing Planning staff promote Planning Statement</p> <p>Final timescale to be determined by confirming staff resources required to meet policy framework</p> <p>Raising the profile of such appraisals with the development sector</p> <p>Needs to reflect Government advice and Surrey Design Guide</p> <p>Needs to be environmentally sensitive</p>	<p>Sustainability appraisal completed. Design policy in the LDF</p>		<p>Development recognising the need for sustainable development</p> <p>Acceptance/ adoption of policies in the LDF</p> <p>Consultation on Submission Document in May 2010</p>

Ref	Origin	Action	Project Lead	Implement by (not later than end March 2011)	Barriers to implementation / additional resources identified	Measurable outcomes	Performance	Comments
9	SCS	<p>Ensure Runnymede is an attractive place in which to work, live and visit:</p> <ul style="list-style-type: none"> <li>• Prepare policies to ensure that the Borough's three town centres remain vibrant and attractive</li> <li>• Prepare policies to maintain outdoor sports and leisure facilities, and provide enhanced new provision through appropriate developments, to reflect requirements of PPG 17</li> </ul>	Policy and Impl. Manager	Set within context of LDF programme (2011)	<p>Involving the development sector in process</p> <p>Resources to complete study to satisfy the requirements of PPG 17 need to be identified</p>	<p>Satisfaction that Runnymede is an attractive place to work, live and visit.</p> <p>Policies adopted</p>		<p>Included in LDF Submission Document consultation May 2010</p> <p>PPG 17 study completed and key issues identified</p>

Ref	Origin	Action	Project Lead	Implement by (not later than end March 2011)	Barriers to implementation / additional resources identified	Measurable outcomes	Performance	Comments
		<p>Protect Green Belt land:</p> <ul style="list-style-type: none"> <li>Review Green Belt protection policies</li> <li>Support emerging South East Plan approach to protecting Green Belt</li> </ul>		<p>Set within context of LDF programme (2011)</p>				
10	SCS	<ul style="list-style-type: none"> <li>Devise planning policy approach to secure improvements to urban fringe and other Green Belt land</li> <li>Consider implications of South East Plan reference to the former DERA site and Green Belt review</li> </ul>	Policy and Impl. Manager	Ongoing	Adoption of Green Belt policy as part of LDF process, following boundary review as part of South East Plan policy requirement	Success of planning decisions in maintaining green belt policy		Included in LDF Preferred Options consultation February 2010 programme
11	SCS	Encourage the Environment Agency to deliver a flood alleviation scheme on the River Bourne at Chertsey	Head of Planning	Not within the control of the Local Authority	Availability of Treasury funding to support the scheme	Implementation of scheme		Concerns from Environment Agency that any discrete works in Chertsey may have an impact elsewhere and affect future viability of wider Thames scheme
12	SCS	Encourage the Environment Agency to take action to alleviate the potential for flooding on the River Thames	Head of Planning	Not within the control of the Local Authority	Availability of Treasury funding	Implementation of scheme		Scheme funding unlikely for the foreseeable future. Work on Strategic Flood Risk Assessment to be completed December 2008

Ref	Origin	Action	Project Lead	Implement by (not later than end March 2011)	Barriers to implementation / additional resources identified	Measurable outcomes	Performance	Comments
13	SCS	Use lawful powers to prevent illegal incursions and to remove offenders as rapidly as is lawfully possible	Development Control Manager Legal Division	Ongoing	Reduced Enforcement Team  Existing Planning and Legal staff (1 year's post to deal with backlog of case) ability to tackle the workload  Lack of support from Courts and landowners  Ability of Legal to pursue necessary action	Implementation of action on illegal incursions		Major Enforcement Inquiry scheduled for November 2008  Removal of illegal incursions subject to delay due to constraints in Legal Division  Good liaison with Police
14	SCS	Work closely with business and those wishing to locate or expand in the Borough to maintain and maintaining economic prosperity	Head of Planning Policy and Impl. Manager	Ongoing	Conflicts with planning policy  'Credit crunch' may have impact on prosperity	Good links with business to understand their needs		Business activity needs to be assessed  Continued support give to Runnymede Business Partnership

Ref	Origin	Action	Project Lead	Implement by (not later than end March 2011)	Barriers to implementation / additional resources identified	Measurable outcomes	Performance	Comments
15	NI 152 (LAA)  SCS	<ul style="list-style-type: none"> <li>Improve opportunities for young people:</li> <li>Enhance range and number of job opportunities through the Planning Framework</li> <li>Consider the implications of the new 14-19 Diploma</li> <li>Improve the safety of young people going to and from school</li> </ul>	<p>Head of Planning</p> <p>Policy and Impl. Manager</p> <p>Policy and Impl. Manager</p>	<p>An integral part of LDF process (by 2011)</p> <p>Ongoing</p>	<ul style="list-style-type: none"> <li>P&amp;I staff as part of Runnymede Business Partnership</li> <li>Failure to 'engage' with young people</li> <li>Ability of private sector to accommodate requirements of new Diploma</li> <li>Maintaining funding for Yellow Bus Service</li> </ul>	<p>Youth employment 14-19</p> <p>Diploma placements Yellow Bus Service maintained</p>		<p>Involvement with development of 14-19 Diploma - liaison with schools and Business Partnership</p> <p>Full engagement of young people in the process</p> <p>Engagement with schools as part of LDF consultation</p> <p>Yellow School Bus scheme continuing</p>
16		<p>Submission of revised Local Development Scheme (LDS) by December 2008 following changes to Government guidance</p> <p>Thereafter maintain 3 year rolling programme</p>	<p>Policy and Impl. Manager</p>	<p>December 2008</p>	<p>Changes in Government advice affecting ability to deliver targets</p>	<p>LDS approved and targets met</p>		<p>Initial work underway to forward to Committee for consideration</p>
17	NI 204	<p>Monitor percentage of appeal decisions allowed</p>	<p>Development Control Manager</p>	<p>Ongoing</p>	<p>Consistent of appeal Inspector</p>	<p>Reducing no. of appeals allowed</p>		

Ref	Origin	Action	Project Lead	Implement by (not later than end March 2011)	Barriers to implementation / additional resources identified	Measurable outcomes	Performance	Comments
18	CIP	<p>Include indicators and targets including a sustainability audit in the Local Development Framework</p> <p>Annually review the 'State of Runnymede' baseline environmental study of the Borough</p>	Policy and Impl. Manager	<p>As integral part of LDF</p> <p>Annual update</p>	<p>Guidance on sustainability audits, still being subject to clarification</p> <p>Staff resources</p> <p>Closely linked to LDF process</p>	<p>Local Development Framework is being audited to ensure sustainability requirements are satisfied</p> <p>Review completed - need to integrate into Council policy</p>		Forms an integral part of the LDF process
19	CIP	Examine all Building Regulation applications in 10 working days	Building Control Manager	Ongoing	Staff shortages	Schedule of amendments/ decisions issued within 10 working days of receipt		Target achieved
20	CIP	Determine 100% of Building Regulation applications within statutory period	Building Control Manager	Ongoing	Staff shortages	No decision issued beyond the 2 months time scale		Target achieved

Ref	Origin	Action	Project Lead	Implement by (not later than end March 2011)	Barriers to implementation / additional resources identified	Measurable outcomes	Performance	Comments
21	CIP	Seek to investigate Building Control complaints within 3 working days and respond accordingly	Building Control Manager	Ongoing	No complaints received	Investigate in accordance with corporate protocol and randomly monitored by BCM		Target achieved
22	CIP	Respond to all requests for Building Control site inspection received by 10.00 am the same day	Building Control Manager	Ongoing	Staff shortages	Lack of complaints that Inspectors are not undertaken Satisfactory results to audit/assessments carried out by external organisations on a 9 month cycle.		Target achieved
23	CIP	Maintain ISO accreditation and carry out biennial customer surveys	Building Control Manager	Ongoing	Lack of responses to biennial survey from customers			ISO accreditation maintained
24	CIP	Monitor progress on s.106 and compliance with requirements	Development Control Manager	Ongoing	Availability of staff	Development Control and Legal staff satisfied with progress		Monitoring Officer appointed in summer 2008 to undertake work
25	CIP	Arrange annual tour of completed developments for Members	Director of Technical Services	Annually		Key new developments visited		Next tour to be arranged in 2009

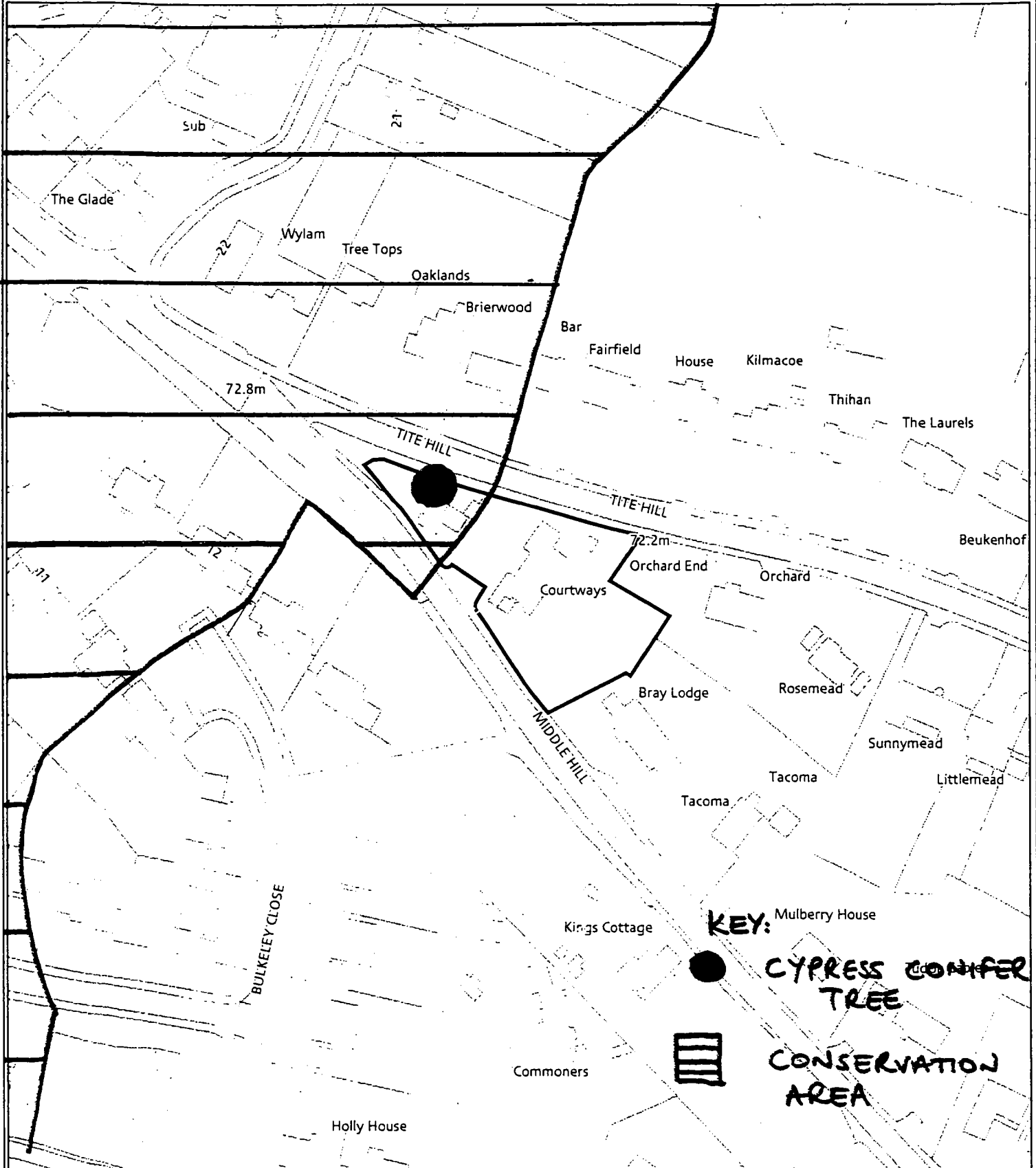
Ref	Origin	Action	Project Lead	Implement by (not later than end March 2011)	Barriers to implementation / additional resources identified	Measurable outcomes	Performance	Comments
26	CIP	Continue to explore potential for joint working with other Authorities	ALL	Ongoing	Willingness of partners; legal implications	Joint working Initiative		Planning Collaboration Project launched in association with IDEa and PAS
27	ES	<p>Undertake Equality Impact Assessments in all service areas and reassess every three years</p> <p>Implement appropriate action to remedy any adverse impact found or research to fully understand impact</p> <p>Monitor existing and proposed policies, procedures and strategies for adverse impact on equality</p>	ALL	<p>As set out in Equality Action Plan</p> <p>As appropriate</p> <p>Ongoing</p>		Existing staff to adhere to Equality Policy		EIA completed in Development Control and Building Control. LDF policies to be reviewed as developed
28	NI 157 (Priority PI)	Processing of planning applications as measured against targets for "major", "minor" and "other" application types	Head of Planning	Annual		Quarterly NI reports		<p>Major 71.5%</p> <p>Minor 87.3%</p> <p>Other 92.6%</p>

**Tree Preservation Order**

Date: 03/10/2008

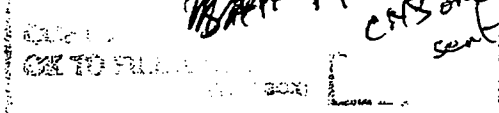
Location: Courtways, Middle Hill, Englefield Green, Egham

Scale: 1:1,250



15 Oct 2008

*THANK MW  
CNS one also  
sent to Staff*



Dr Stephannie Hovland  
Courtways  
Middle Hill  
Englefield Green  
Surrey  
TW20 0JR  
01784 437165  
14/10/08

Mr A. M. Pearson (Director of Administration and Leisure)  
Runnymede Civic Centre  
Station Rd  
Addlestone  
Surrey, KT15 2AH

Your ref: MW/tb/54/11/349  
Tree Preservation Order 375

Dear Mr Pearson,

We wish to object to the Council's refusal to give us consent for the removal of the conifer tree on our property facing Tite Hill, and to its consequent imposition of a tree preservation order on this tree. Apparently it lies within a Conservation Area. We are unable to ascertain the location of this CA and would welcome an indication of how it is bounded.

On 25 May 2004 consent was given to Application Number RU.04/0394 (registered on 30/3/04) for the felling of this conifer on our Tite Hill boundary. Since then the state of the tree has deteriorated. The appearance that it is dying from the top has worsened (see picture) and the branches have been further affected by gravity, giving the tree an untidy, sparse look and widening its cover. As a result, we decided it really should now be felled and applied again for permission to do this, in the expectation that it would be a formality – given the prior approval to cut it down.

The tree is a cypress, not indigenous to UK, and not a rare species: it is of the genus from which the Leylandii Cypress was bred.

The tree is about 18m high; the spread of the tree is about 15m in diameter at its widest and increasing, because, as mentioned, the tree is suffering some die back at the top. It is adjacent to the boundary fence and only c.2.4 m from the road which it overhangs and it suffers from regular buffeting by the larger traffic on Tite Hill. We used to periodically trim off branches damaged by this traffic, and the branches currently hanging down as a result of impact presumably cannot be touched due to the TPO (see picture).

Its dense foliage is less than 2 m (vertically) from the windows of the annexe to our house. The wall that, to a certain extent, retains its roots has cracked (see picture). We are sure that this is due to the fact that the tree leans over in a dangerous looking manner when there is a strong wind from the West. This has the effect of leaning it out onto Tite Hill at an angle of more than 25° to the vertical. We presume this puts pressure on its roots and as a result of lifting the wall mentioned has cracked. Were the tree to fall, as we fully expect if there is a repeat of recent storms after prolonged rain, it will destroy the fence it more or less leans against; it will block Tite Hill and potentially fatally endanger traffic or pedestrians; and impact the oak tree in Oaklands on the other side of Tite Hill.

We want to put on record that we consider this to be a likely outcome and is actually the main reason that we now wish to fell it. I did mention this to the council's tree expert when he

came to inspect the tree. However, I presume he does not agree and is prepared for the consequences if this does now happen, given the council's new refusal of our application on what we presume to be his recommendation.

The tree cuts off much light from the windows that it overhangs. It is so high and wide that it is oppressive and is now completely out of proportion in this part of our garden which is narrow and triangular in shape and thus it results in loss of our reasonable enjoyment of our property. We are unable to use or enjoy this part of our garden as we would wish or to landscape it attractively - with more appropriate and indigenous species.

Yours sincerely,



Stephanie Hovland



Harald Hovland

15 Oct 2008

THANK MW  
CNS one also  
sent to BTF)

Dr Stephannie Hovland  
Courtways  
Middle Hill  
Englefield Green  
Surrey  
TW20 0JR  
01784 437165  
14/10/08

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Runnymede Civic Centre  
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**PLANNING & DEVELOPMENT**  
**FINANCIAL MONITORING STATEMENT - Income only**  
 Figures to 27 November 2008

**CURRENT YEAR KEY INCOME BUDGETS**

	<b>2008/09 Budget £</b>	<b>Budget to Date £</b>	<b>Actual to Date £</b>	<b>Variance to Date £</b>
Income budgets				
• Planning Application Fees	540,000	360,000	276,000	-84,000
Building Control Fees	341,700	228,000	208,000	-20,000



# Appeal Decision

Site visit made on 4 November 2008

by **Raymond Michael** MBA BSc Dip TP  
MRTPI ARICS MIM

an Inspector appointed by the Secretary of State  
for Communities and Local Government

## APPENDIX 'E'

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

☎ 0117 372 6372  
email: [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk)

**Decision date:**  
**11 November 2008**

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**Appeal Ref: APP/Q3630/A/08/2078369**  
**11 Ayebridges Avenue, Egham, Surrey, TW20 8HR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr S Richardson against the decision of Runnymede Borough Council.
- The application Ref RU.07/1236, dated 6 November 2007, was refused by notice dated 7 January 2008.
- The development proposed is the alteration and increase in height of the roof to allow habitable accommodation at first floor level, with the insertion of a front rooflight and a rear dormer.

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### Decision

1. I allow the appeal, and grant planning permission for the alteration and increase in height of the roof to allow habitable accommodation at first floor level, with the insertion of a front rooflight and a rear dormer at 11 Ayebridges Avenue, Egham, Surrey, TW20 8HR in accordance with the terms of the application, Ref RU.07/1236, dated 6 November 2007, and the plans submitted with it, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
  - 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no windows, dormer windows rooflights or other openings, other than those expressly authorised by this permission, shall be constructed in the development hereby approved without the consent in writing of the Local Planning Authority.
  - 4) Notwithstanding any indication otherwise given on the plans hereby approved, the high level rooflights on the front facing elevation shall have a minimum internal cill height of 1.65m above finished floor level.
  - 5) The highest part of the development hereby permitted shall not exceed 5.4m in height measured from the immediate adjoining finished ground level as shown on Drawing L1581/04 Rev B.

### **Main issue**

2. The main issue in this case is whether the increase in height of the roof would be detrimental to the street scene and the character of the surrounding area.

### **Reasons**

3. Ayebridges Avenue contains a variety of housing types, including a number of bungalows identical to the appeal property. Nos. 1-12 were originally identical small dwellings, but many have previously been increased by single-storey flat-roofed rear extensions. There are also other changes to some of the original bungalows, including new rendering to the walls and a pitched roof extension of 7 Ayebridges Avenue, and a side extension to no. 4, all of which reduce the uniformity of design to which the Council refers.
4. I noted that the north-eastern side of Ayebridges Avenue in the immediate vicinity of the appeal site has retained a consistent design theme, but there are significant differences in the wider area, where there are a range of bungalows of different styles and sizes, with a variety of roof forms and heights. Apart from the changes identified above, no. 13 is a much smaller bungalow with a lower front gable-end roof, and no. 14 has been raised to protect it against flooding, and consequently has a higher roof height. Beyond those there is a row of bungalows which are of a different design from the appeal property and have side gable roofs. Further on nos. 25 and 26 are chalet bungalows with roof dormers and rooflights. The properties on the opposite side of the road are also a mix of styles and sizes, although mainly houses and chalet bungalows.
5. The proposed development would retain the hipped gable design which is found on the existing bungalow, but would extend the pitched roof to cover the existing flat roofed rear extension. The ridge height of the roof would be raised by about 470mm and the eaves height would remain the same, with a rooflight in the front roof plane and a small dormer in the rear. Whilst those changes would be noticeable from the road, they are modest and sympathetic and would bring greater harmony to the appearance of the property. I therefore conclude that, given the existing variations in roof treatment within the street scene, they would not damage the character or amenity of the residential area, and would therefore comply with Policy HO9 of the Runnymede Borough Local Plan 2001.
6. Although the Council refers to the uniformity of the surrounding area, there is no indication that it is one of recognised high quality townscape character, and I take the view that the proposal would respect the existing character and not be contrary to Policy BE2 of the Local Plan.
7. I have considered the other points raised in this case, particularly the concerns of the adjoining neighbour at no. 10. However, the changes proposed would not lead to any material harm to the amenities of that property through overshadowing or loss of light, and any increased overlooking from the rear dormer would not give rise to significant loss of privacy. The proposal therefore complies with the Council's Supplementary Planning Guidance *Householder Guide* (2003).

**Conditions**

8. In order to maintain the character of the area I shall require the submission and approval of material samples to be used, and condition the finished height of the development. Similarly, to protect the amenities of the adjoining neighbours I shall restrict the formation of additional windows in the property and require that the rooflight be set at a minimum level above the finished floor.

*Raymond Michael*

Inspector



## Appeal Decisions

Inquiry held on 21 October 2008  
Site visit made on 21 October 2008

by Alan Woolnough BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State  
for Communities and Local Government

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

☎ 0117 372 6372  
email: enquiries@pins.gsi.gov.uk

Decision date:  
17 November 2008

### Appeals A & B: APP/Q3630/C/07/2060416 & 2060417 Land at 10 Mayfield Gardens, Staines, Middlesex TW18 3LG

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeals are made by Mr and Mrs B Ayers against an enforcement notice issued by Runnymede Borough Council.
- The Council's reference is EN53.14.395.
- The notice was issued on 30 August 2007.
- The breach of planning control as alleged in the notice is: 'Without planning permission, the change of use of the said land or premises by the siting of a mobile home in residential use to the rear of the dwelling house situated on the said land or premises'.
- The requirement of the notice is: 'Cease the residential use of the mobile home and remove it, together with any services or equipment connected with or ancillary to the residential use of the mobile home, from the said land or premises'.
- The period for compliance with the requirement is three months.
- Appeal A (Mr Ayers) is proceeding on the grounds set out in section 174(2)(a), (d), (f) and (g) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period on Appeal B (Mrs Ayers), the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act as amended do not fall to be considered in that case. Appeal B is therefore proceeding on grounds (d), (f) and (g) only.

**Summary of Decisions: The appeals succeed in part on ground (g) but are otherwise dismissed and the enforcement notice upheld subject to corrections and a variation.**

### Appeal C: APP/Q3630/X/07/2060407 Land at 10 Mayfield Gardens, Staines, Middlesex TW18 3LG

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Mr B Ayers against the decision of Runnymede Borough Council.
- The application ref no RU.07/0838, dated 12 July 2007, was refused by notice dated 27 September 2007.
- The application was made under section 191(1)(a) of the Town and Country Planning Act 1990 as amended.
- The existing use for which a LDC is sought is use of land for the stationing of one mobile home as a separate residential unit.

**Summary of Decision: The appeal is dismissed.**

#### Procedural matters

1. All oral evidence presented at the Inquiry was taken on oath.

2. At the Inquiry, the Appellants withdrew initial appeals against the enforcement notice on ground (e).

#### **The notice**

3. The alleged breach of planning control set out in the enforcement notice clearly concerns a use of land. However, throughout the notice, the Council has used the phrase 'the said land or premises'. Such wording is imprecise and creates uncertainty within the notice. I shall therefore correct it accordingly at sections, 2, 3 and 5.
4. Moreover, the allegation refers only to the siting of a mobile home 'in residential use'. Although reference is made in the notice to a material change of use, it does not refer specifically to use as a separate dwelling. Nonetheless, as both main parties have approached the appeals on the basis that the allegation concerns the use of the home as a single self-contained residential unit, I am able to correct the notice to clarify this and shall duly do so.
5. Additionally, the notice as issued does not comply with guidance set out in paragraph 2.10 of Annex 2 to Circular 10/97: *Enforcing Planning Control: Legislative Provisions and Procedural Requirements*, in that the alleged breach of planning control does not specify all the components of the mixed use of the land to which the notice relates. The plan attached to the notice defines the land in question as the entire curtilage of 10 Mayfield Gardens, comprising not only the rear yard where the mobile home is situated but also the original bungalow itself. At the Inquiry, the main parties agreed that the notice should continue to relate to the entire curtilage rather than to the rear yard alone. I shall therefore correct the allegation so as to refer to both the mobile home and the bungalow. There is no injustice to any party in making any of these corrections.

#### **The appeals on ground (d) and the LDC appeal – Appeals A, B & C**

6. In appealing against the enforcement notice on ground (d) and seeking a LDC, the burden of proof is firmly on the Appellants to demonstrate on the balance of probabilities that the site has accommodated a caravan or mobile home used as a self-contained residential unit for a continuous period of ten years, ending with the date on which the application for the LDC was made and/or the date on which the notice was issued (henceforth referred to as 'the relevant periods'). The material dates are therefore 12 July 1997 (for Appeal C) and 30 August 1997 (for Appeals A and B).
7. It is common ground between the main parties that a caravan or mobile home of some description has been stationed on the site and occupied for residential purposes throughout both the relevant periods. It is also accepted that a degree of socialising between families living in adjacent self-contained units is to be expected. Disagreement centres on whether or not the mobile home has been used as a self-contained dwelling for the whole of the relevant periods.
8. At the Inquiry, both Messrs Ayers senior and junior stated that the latter has continuously occupied a unit on the site in this way since summer 1996, when washing and sanitary facilities were installed in a portable building sited adjacent to his caravan. They maintained that this arrangement continued when a replacement single unit mobile home was introduced to the site in 2001

and when Mr Ayers junior married shortly afterwards. Mrs Ayers moved out temporarily, as the accommodation was felt to be unsuitable for the couple's new baby, while Mr Ayers remained in residence. She returned when the current double unit mobile home was acquired in late 2004, at which point the portable building was removed.

9. There is no dispute between the main parties that, by August 2007, Mr Ayers junior and his family were using the existing mobile home as a self-contained dwelling, as evidenced by the issuing of the enforcement notice and the absence of an appeal against it on ground (b). However, there is a very significant inconsistency in the Appellants' account of events prior to that time, in the form of an application for planning permission made for the continued siting and residential use of the mobile home (ref no RU.06/0698).
10. This was initially submitted to the Council in May 2005 and eventually accepted as valid in July 2006. On the application form, signed by Mr Ayers senior, it is specifically stated: 'Mobile home is not being used as a separate dwelling. Meals etc still taken in main house'. In an accompanying letter dated 5 May 2005, Mr Ayers senior explains that from the time he and his family moved into No 10, his son slept in a caravan on the site but took most meals in the bungalow and used its kitchen and bathroom facilities. He further states that when transferring to the mobile home in 2001, Mr Ayers junior and his new wife continued to eat in the bungalow. The statements made by Mr Ayers senior in 2005 and in association with the current appeals are thus contradictory.
11. I have taken into account the fact that evidence given on oath generally carries greater weight than contradictory unsworn evidence. However, where the two sets of evidence come from the same source, as in this case, it is clear that, in one or other statement, the individual in question has, intentionally or not, misrepresented the facts. Giving revised evidence on oath does not wipe the slate clean unless a satisfactory explanation of how the discrepancy arises is forthcoming. If it is not, the credibility and reliability of the witness' statements is inevitably compromised.
12. I give little credence to the suggestion that Mr Ayers senior, even in the absence of professional advice, did not appreciate the distinction between ancillary and separate occupation. The concept of a separate dwelling is one that is readily appreciated by those outside the planning profession, his statements on the application form and in the associated letter are unequivocal in their phrasing and I have no reason to doubt that he understood what he was saying.
13. At the Inquiry, both the Appellants' planning witness and Mr Ayers senior himself alleged that he had been misled by a Council officer when preparing the planning application and that the statements he made in 2005 were a mistake. A letter sent to Mr Ayers senior on 11 February 2005 suggests that the officer in question did not have a clear grasp of the relevant legislation. However, it does not advise the Appellant to apply for planning permission in the way that he did, nor is there other cogent evidence before me to the effect that any Council employee encouraged untrue statements to be made in support of the application.

14. I acknowledge the possibility that the actions of Mr Ayers senior at that time may have been a misguided attempt to secure planning permission for the mobile home under false pretences. However, there is nothing before me to suggest that this is actually probable. The discrepancy in his statements has not therefore been explained to my satisfaction and, necessarily, this tempers the weight I attach to the evidence he gave at the Inquiry. Whilst Mr Ayers junior has not made contradictory statements, it is to be expected that, as the occupier of the mobile home, he would have liaised with his father over the content of the planning application. The reliability of his evidence is thus similarly compromised.
15. It remains unclear to me why Mr Ayers senior thought it valid or necessary to apply for planning permission for ancillary, as opposed to self-contained, mobile home accommodation. In such circumstances, I do not find it surprising that the Council changed the description of development to refer to use as a dwelling. I also note from the Council report on the planning application that the responsible officer found that the mobile home 'appears to be lived in as a self-contained unit'. However, it is difficult to conceive how a reliable conclusion to this effect might be reached based merely on observation of the facilities available within the unit.
16. Evidence supplied by others is of limited help in clarifying matters. I do not question the integrity of Messrs Rose, Williams junior, Powers or Sutton or Mrs Carter, all of whom express genuine beliefs that Mr Ayers junior has occupied a caravan or mobile home on the site as a separate self-contained dwelling. However, in each case, their first hand understanding of the situation has been based on occasional visits, described by the Council as 'snapshots', during the relevant periods. Even cumulative consideration of all of this evidence to build a bigger picture does not assist the Appellants' case significantly.
17. Given that the facilities available to him throughout these periods have enabled Mr Ayers to maintain independence from his parents' accommodation when desired, it would be almost impossible for his occasional guests to gauge reliably and accurately the true extent to which he used the bungalow when they were not present. Of these individuals, only Mr Rose was available to give evidence on oath at the Inquiry that could be subjected to cross-examination and had visited on very few occasions. Messrs Williams senior, Monk, Mitchell and Lowe do not express an opinion in their letters as to the precise manner in which the caravans or mobile homes were occupied.
18. There is no dispute between the main parties that the current mobile home is well-appointed, in good condition and generally of a standard suitable for occupation by a young family as an independent dwelling. However, it is also clear that, whilst the earlier mobile home and caravan, in combination with the separate portable building, provided the basic accommodation and equipment necessary to facilitate independent living, they were of markedly lesser quality. Indeed, Mr Ayers senior refers to 'damp and cramped conditions' in his letter of 5 May 2005. I question the likelihood that sub-standard accommodation would have been continuously occupied as a genuinely separate unit when far better facilities to which ready access was available were so close at hand.
19. I acknowledge that, apart from references to the 2005 planning application, the Council has produced nothing of substance that directly contradicts the

Appellants' current claims. Nor do I place significant reliance upon Mrs Edge's conclusion, conveyed by her son at the Inquiry, that Mr Ayers junior often visited the bungalow at meal times, as there is no apparent means by which she might be sure of his reasons for visiting. However, notwithstanding this, the inconsistency in the statements of Mr Ayers senior renders the Appellants' evidence insufficiently precise and unambiguous to demonstrate that, on the balance of probabilities, the succession of caravans and mobile homes stationed on the land were used continuously as self-contained residential units throughout the relevant periods. Accordingly, the appeals on ground (d) and Appeal C all fail.

### **The appeal on ground (a) - Appeal A**

#### **Main issues**

20. The main issues in determining the appeals on ground (a) are:
- the effect of the development on the character and appearance of the area;
  - the effect of the development on the living conditions of neighbouring residents, with particular reference to privacy and outlook;
  - the implications of the development for flood risk; and
  - whether there are any other considerations sufficient to outweigh any harm arising from the above issues, with particular reference to the Appellant's 'fallback' position.

#### **Planning policy**

21. The Development Plan includes the Surrey Structure Plan (SP), adopted in 2004, and the Runnymede Borough Local Plan Second Alteration (LP), adopted in 2001. The relevant policies of both have been saved following Directions issued by the Secretary of State under Paragraph 1(3) of Schedule 8 to the Planning and Compensation Act 2004, dated 21 and 25 September 2007, and thus continue to have effect.
22. In accordance with national policy in Planning Policy Statement (PPS) 1: *Delivering Sustainable Development* and PPS3: *Housing*, SP Policies SE4 and LO2 and LP Policies BE2 and HO9 all promote high quality design in residential development. The latter policy also seeks to safeguard the living conditions of neighbouring occupiers. LP Policy HO10 records that sites for additional residential caravans and mobile homes will not be permitted.
23. LP Policy SV2 records that, within defined area liable to flood, development will not normally be permitted unless it can be demonstrated that it would not impede the flow of flood water, reduce the capacity of flood plain to store flood water or increase number of people or properties at risk from flooding. Government policy in PPS25: *Development and Flood Risk* and the associated Practice Guide is also of relevance.
24. Reference is made to supplementary planning guidance on design matters entitled *Surrey Design*. This document has been the subject of public consultation and thus carries significant weight.

## **Reasoning**

### *Character and appearance*

25. The existing mobile home can be glimpsed from the highway. The backland nature of its position and contrast with the solidity and permanence of surrounding dwellings are thus apparent in public perceptions of the local townscape. Although aerial photographs reveal the presence of various items in the rear gardens of other properties on Mayfield Gardens, I am not aware of anything of similar size or prominence to the appeal development in a backland location in its immediate vicinity.
26. However, the effect of the mobile home on the street scene is mitigated to a substantial degree by its distance from Mayfield Gardens and screen fencing and vegetation along the boundary with Chertsey Lane. Therefore, although a departure from the established pattern of development, it has a limited visual presence which, I conclude, is not so significant as to impact to an unacceptable degree on the character or appearance of the area.
27. I acknowledge that, should planning permission be granted pursuant to Appeal A, the existing unit could be moved closer to the main road or replaced with something larger within the terms of such a permission. However, the relative seclusion of the rear yard is such that, even then, a materially adverse impact on these particular interests would be unlikely. Accordingly, I find no serious conflict with the objectives of SP Policies SE4 or LOC2, LP Policy BE2 or HO9, *Surrey Design* or national policy in PPS1 or PPS3 insofar as they are relevant to this issue.

### *Living conditions*

28. The mobile home is sited close to the rear garden boundary of 9 Mayfield Gardens, and set high enough such that not only the unit itself but also three windows and a glazed door in its eastern elevation project well above the top of the boundary fence and trellis. Notwithstanding the fact that it can be seen from some of the windows of No 9, the accommodation is too far from the dwelling itself to have an unduly harmful effect on internal living conditions.
29. Nonetheless, in its present position it has an unduly dominant impact on the outlook available from the otherwise secluded rear section of the neighbouring property's garden. Furthermore, frosted glass and the application of film to the mobile home's east-facing windows has not prevented invasive views over the garden from the doorway, the associated external steps and platform or the open casement window serving the largest bedroom.
30. The Appellants have indicated that they would accept conditions that require obscure glazing in the eastern elevation to be retained (and perpetuated in any replacement unit), specifying alterations to the casement window to prevent an outward view, stipulating screening measures and forbidding the siting of the unit within 2 metres of No 9's boundary. However, I consider that, even within these parameters, the unit would continue to impact adversely on the neighbouring garden by reason of its height.
31. Moreover, overlooking from the door and steps would still amount to an unacceptable loss of privacy. A solid barrier high enough to obstruct such

views would itself be overbearing, and a planted screen would, by its very nature, be impermanent. I conclude that the appeal development has a harmful impact on the living conditions of the occupiers of 9 Mayfield Gardens, which could not be resolved satisfactorily by means of the suggested conditions. Accordingly, I find it to be contrary to LP Policy HO9 in this respect.

*Flood risk*

32. It is common ground between the main parties that the appeal site falls within Flood Zone 3b as defined in Table D.1 of Annex D to PPS25. It thus forms part of the functional floodplain of the River Thames, where water has to flow or be stored at times of flood, with an annual probability of flooding of 1 in 20. Table D.2 classifies mobile homes as 'Highly Vulnerable' at times of flooding. Table D.3 makes it clear that anything Highly Vulnerable should not be permitted in Zone 3b and that the Exception Test that some types of proposal might be able to pass is not applicable.
33. No Flood Risk Assessment has been submitted in this case, contrary to national and local guidance. Moreover, the Environment Agency objects strongly to the retention of the mobile home, citing several sound reasons. A unit of this kind takes up flood storage capacity and can divert flood water to other land where it can cause inconvenience, damage and danger. The retention of a void beneath the home is not sufficient to address such concerns as it is only effective in floods of limited depth and, in any event, is not a measure that, if conditioned, can be practicably enforced by the Council.
34. Additionally, units of this kind can be washed away by floodwater, thus endangering its occupants and posing a significant threat to people and property nearby. Whilst tethering the unit might be specified in a condition attached to a grant of planning permission, it would be impractical for the Council to monitor adequate compliance with such a requirement. The consequences of such a condition not being adhered to could be extremely serious.
35. Moreover, the occupiers of such a unit would, if surrounded by deep, fast flowing water, have no safe means of escape. Rescue by the emergency services in such circumstances would divert valuable resources from elsewhere and should not be relied upon. The bungalow at 10 Mayfield Gardens, although more resistant to the effects of flooding, would not necessarily be available as a refuge, as the existing family ties between the two units of accommodation could easily be broken, should one or other household move way.
36. The fact that the site lies within an advanced warning zone provides little reassurance. Indeed, Mr Ayers junior admits to 'sitting out' a flooding event in 2003, despite the potential dangers associated with doing so. I conclude that the appeal development must present a considerable and unacceptable risk to property and residents at times of flood. It is therefore contrary to LP Policy SV2 and national guidance in PPS25 and the associated Practice Guide.

*The fallback position and other considerations*

37. Notwithstanding my conclusions on the issue of character and appearance, I consider the harm to the living conditions of neighbouring residents and adverse implications for the wellbeing of property and residents at times of

- flood that arises from the appeal development to be of overriding importance. I therefore turn to assess whether there are any other considerations in this case that are sufficient to outweigh that harm.
38. Foremost amongst these is the Appellants' contention that they enjoy a fallback position which, to all intent and purposes, would not be materially different to the continued stationing of a mobile home occupied as a self-contained residential unit. Their case is that the stationing on the appeal site of a mobile home or caravan of similar size to the existing would not constitute a material change of use of the land, and would not therefore amount to development, if the unit were to be used solely for purposes ancillary to the domestic occupation of the bungalow at No 10.
39. Ancillary accommodation could include sleeping facilities for members of the family, provided that significant dependence on facilities in the bungalow could be demonstrated. The Council seeks to argue that there is no fallback position, citing case law arising from the judgement in *Scurlock v SSW* [1976] JPL 431 on the basis that 10 Mayfield Gardens is not solely residential in use but incorporates an element of commercial activity too significant to be *de minimis*. However, I give little credence to this line of reasoning.
40. Firstly, although I noted during the course of my site visit the presence of a small business office in the bungalow and commercial storage in the property's garage, there is insufficient evidence before me to demonstrate that a material change of use to a mixed residential/commercial use has taken place. Secondly, even if it had, this would merely preclude development pursuant to residential permitted development rights, which are not the focus for these appeals. There is no reason why, in certain circumstances, sleeping accommodation in a mobile home could not be ancillary to a mixed use of this kind and thus exempt from the definition of development.
41. Notwithstanding this, I find that, whilst the Appellants do enjoy a fallback position, this is not as advantageous to their case as they consider it to be. I acknowledge that a unit of similar size to the existing mobile home might house accommodation that would be genuinely ancillary to the domestic occupation of the bungalow if, for example, it had no sanitary or cooking facilities. In such circumstances, the impact of the unit on the outlook from No 9's garden, implications for floodwater diversion and storage and the risk posed by an untethered unit at times of severe flooding would be no different to the existing situation.
42. However, a unit that was not used as a self-contained dwelling would not, in my experience, be so intensively occupied. Those who used it for sleeping or made use of its living accommodation during the day would also have ready access to the bungalow and make constant use of the facilities in that building. The residential presence in the mobile home would, necessarily, be less. Consequently, there would be less overlooking of the neighbouring garden, and less threat to its occupiers at times of flood. Indeed, when flood warnings had been issued, it would be possible, if not evacuating the area altogether, to retreat to the sturdier confines of the bungalow. It is less likely that this option would be available were the rear plot to be sold off and the mobile home severed from No 10.

43. The Appellants suggest that it would be better to grant planning permission for a self-contained unit on which controls could be imposed by means of conditions than to uphold the enforcement notice so as to create a situation where the site was available to accommodate an uncontrolled ancillary unit. However, this assumes a likelihood that such an arrangement would be established on a long term basis should the enforcement notice be upheld. I have seen nothing to suggest that Mr Ayers junior and his growing family, or indeed his parents, would be content to sacrifice their current independence for anything more than a temporary period. It is far more probable that alternative accommodation or an alternative site for the mobile home would be found. I have taken into account the personal circumstances of the Appellants and their family. However, paragraph 21 of the government publication *The Planning System: General Principles* advises that such circumstances will seldom outweigh more general planning considerations.
44. Notwithstanding that LP Policy H10 militates firmly against new mobile homes, I consider that, where proposed, they also fall to be considered under the terms of LP Policy HO9, which relates to all forms of housing development. Moreover, I see no reason why the policy should not be applied retrospectively where such development has been in place for some time without planning permission. I acknowledge that the minimum standard for garden size prescribed by Policy HO9 is somewhat out of step with the general thrust of more recent national guidance in PPS3, which seeks to maximise residential densities. However, even disregarding this, I find nonetheless that the restricted space around the mobile home, excluding the rear lawn of the bungalow, is less than adequate to cater for the external amenity requirements of a family dwelling. In any event, neither national nor local policy promotes the principles of sustainable development at the expense of other interests of acknowledged importance.
45. I therefore conclude that neither these nor any other considerations are of such significance as to outweigh the harm to living conditions and in terms of flood risk that I find to arise from the appeal development. Accordingly, I find no grounds for departing from the general presumption against additional residential caravans and mobile homes set out in LP Policy HO10 and the appeal on ground (a) fails.

**The appeals on ground (f) – Appeals A & B**

46. To succeed, appeals on ground (f) must demonstrate that the steps required by the enforcement notice exceed what is necessary to remedy the breach of planning control or any injury to amenity caused by that breach. The Appellants contend that the requirement to remove the existing mobile home from the site is excessive, on that basis that, if used for purposes genuinely ancillary to the domestic occupation of the adjacent bungalow, its stationing on the land would not constitute development.
47. I acknowledge that it might be possible to station a residential mobile home on the appeal site of the same size as the existing unit without the need for planning permission, as long as this was not used as a self-contained dwelling. I have also had regard to case law arising from the judgement in *Uttlesford DC v SSE & White* [1992] JPL 171, in which it was concluded that there was no reason in law why self-contained accommodation to enable an elderly relative

to be independent of the family should become a separate planning unit. It was held in that case that the existence of the facilities to live independently did not settle the matter and that the judgement as to whether a material change of use occurred in such circumstances was a matter of fact and degree.

48. However, the extent and quality of the facilities that the existing mobile home provides, which include a bathroom, ensuite and kitchen equipment, are such that it readily lends itself to self-contained occupation. Indeed, irrespective of how Mr Ayers senior described the unit's role in May 2005, the main parties are in agreement that it was so used by August 2007. This being so, I consider it likely that it would be difficult for the family to resist using the mobile home as a separate dwelling if all those facilities remain. Moreover, it would be almost impossible for the Council to monitor and assess, effectively and accurately for the purposes of ensuring compliance with planning requirements, the degree of interlinkage between the use of the mobile home and bungalow.
49. At the Inquiry, the possibility of removing facilities from the mobile home to ensure ancillary usage, thus enabling it to be retained on site without the need for planning permission, was raised briefly on the Appellants' behalf. However, there is no detail before me of the extent of alteration to the mobile home that the Appellants and the Council respectively consider would guard against independent occupation. In any event, I consider it more probable that, should Mr Ayers junior and his family wish to continue living at 10 Mayfield Gardens in ancillary accommodation, they would wish to sell the existing mobile home and replace it with something else, rather than devaluing the unit by removing fitted bathroom and kitchen equipment.
50. In the light of the above, I conclude that the requirement of the notice to remove the mobile home is commensurate with the breach of planning control, in accordance with national guidance contained in PPG18: *Enforcing Planning Control*, and is not excessive. The appeals on ground (f) therefore fail.

#### **The appeals on ground (g) – Appeals A & B**

51. The Appellants contend that a period of three months gives them insufficient time in which to comply with the enforcement notice. A period of at least 12 months, and preferably two years, is sought instead. The difficulties associated with changing schools, the absence of any accommodation to which the family could readily move, recent constraints on mortgage lending and the nature of Mr Ayers' business activities with his father are all put forward as relevant considerations. Problems with finding a site in the local area to which the mobile home could be relocated and subsequently occupied as a dwelling are also cited.
52. I appreciate and sympathise with the problems faced by young families seeking their first mortgage. However, there are other forms of tenure besides home ownership and no cogent evidence regarding the availability of rented family accommodation or, indeed, authorised sites for mobile homes in the vicinity of Staines has been submitted. It has not been demonstrated that Mr Ayers junior needs to live at the same location as his father, rather than in the wider area, in order for their business to operate effectively.
53. Whilst transferral to other schools might be inconvenient and even mildly distressing for the children at first, it is not an unreasonable expectation that a

family should ultimately be able to cope with this. In any event, it is not apparent why such upheaval might reduce significantly in two years time in comparison with the more immediate future. Nonetheless, there can be difficulties in finding new placements at short notice during the school year.

54. On the limited evidence before me I find that 12 months, let alone two years, would be excessive, given the significant degree of planning harm associated with the development. However, at the Inquiry, the Council conceded that three months might not give the Appellants enough time in which to comply with the enforcement notice, whilst suggesting that six months should prove adequate. Having regard to schooling requirements, I find that this should be extended to eight months.
55. Such a period would expire close to the end of the school year and should allow sufficient time for all the necessary arrangements to be made. I find no justification for a longer period. Should the Appellants be able to demonstrate convincingly that reasonable efforts have been made to find alternative accommodation and remove the mobile home, but that more time is required to finalise matters, it remains within the Council's power to extend the period for compliance under section 173A(1)(b) of the 1990 Act, if it considers such action to be justified. I conclude that the appeal on ground (g) should succeed in part. I shall therefore vary the enforcement notice accordingly.

### **Conclusions**

56. For the reasons given above, I conclude that Appeals A and B should succeed in part on ground (g) but should otherwise fail. I shall uphold the enforcement notice subject to corrections and a variation and refuse to grant planning permission on the deemed application.
57. I further conclude that the Council's refusal to grant a LDC in respect of the use of land for the stationing of one mobile home as a separate residential unit was well-founded and that Appeal C should therefore fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.

### **Formal decisions**

#### **Appeals A & B: APP/Q3630/C/07/2060416 & 2060417**

58. I direct that the enforcement notice be:

A. Corrected by:

- (i) in section 2, the replacement of the words 'The said land or premises' with the word 'Land';
- (ii) the replacement of the wording of section 3 in its entirety with the words: 'Without planning permission, the change of use of the land to a mixed use comprising a bungalow used as a single dwellinghouse and use for the stationing of a mobile home occupied as a single self-contained residential unit'; and
- (iii) in section 5, the replacement of the words 'said land or premises' with the word 'land'.

B. Varied by, in the line preceding section 6, the replacement of the word 'three' with the word 'eight'.

59. Subject to the above corrections and variation, I dismiss the appeals and uphold the enforcement notice. I refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

**Appeal C: APP/Q3630/X/07/2060407**

60. I dismiss the appeal.

*Alan Woolnough*

INSPECTOR

PLANNING APPLICATIONS DETERMINED BY  
 \*\*\*\*\*  
 DIRECTOR OF TECHNICAL SERVICES  
 \*\*\*\*\*

**3RD TO 21ST NOVEMBER 2008**

<u>APP. NO.</u>	<u>LOCATION AND PROPOSAL FOLLOWED BY DECISION</u>
02/0478	Highfield House, St. John's Way, Chertsey Change of use of property to a community use involving teaching, training, meetings, retreats and associated guest accommodation and retention of French doors <b>DECISION: GRANT</b>
08/0498	The Studio, Woodham Park Road, Woodham Erection of fascia sign (non-illuminated) <b>DECISION: GRANT</b>
08/0499	The Studio, Woodham Park Road, Woodham Retrospective change of use from Class A1 to Health Clinic (Class D1) and retrospective planning permission for the erection of a single storey rear extension following demolition of rear store and shed (amended description 15/09/08) <b>DECISION: GRANT</b>
08/0894	High Beeches, Knowle Grove Close, Virginia Water Erection of a two storey detached dwelling (with roof accommodation) and double garage (accommodation above) following demolition of existing dwelling <b>DECISION: GRANT</b>
08/0898	Brierley, Oak End Way, Woodham Reduce crown of Oak and Ash tree marked T33 and T32 on submitted plan by 30% protected by Tree Preservation Order No. 259 <b>DECISION: GRANT</b>
08/0900	11 Holland Gardens, Egham Erection of a part two storey, part single storey side/rear extension with the insertion of two rooflights in the side elevation following demolition of existing garage and extension <b>DECISION: GRANT</b>
08/0910	241 Woodham Lane, Woodham Erection of a conservatory to rear of property <b>DECISION: GRANT</b>

APP. NO.      LOCATION AND PROPOSAL FOLLOWED BY DECISION

- 08/0927      Ivy Cottage, Stonehill Road, Ottershaw  
Erection of a two storey rear extension following demolition of detached garage and existing single storey side/rear extension  
**DECISION: REFUSE**
- 08/0928      Ivy Cottage, Stonehill Road, Ottershaw  
Listed Building Consent for erection of a two storey rear extension following demolition of detached garage and existing single storey side/rear extension  
**DECISION: REFUSE**
- 08/0932      9 Liberty Rise, Addlestone  
Erection of a part two, part single storey side extension following removal of existing garage  
**DECISION: GRANT**
- 08/0935      Grand View, Coopers Hill Lane, Englefield Green  
Erection of a detached two storey dwelling following demolition of existing dwelling  
**DECISION: GRANT**
- 08/0938      170 Almnors Road, Lyne  
Erection of single storey rear extension  
**DECISION: REFUSE**
- 08/0940      44 & 42 Grove Road, Chertsey  
Alterations to roof and construction of a rear dormer to Nos. 42 and 44 Grove Road and erection of a two storey side and first floor rear extension to No. 44  
**DECISION: REFUSE**
- 08/0947      Heritage House, 52-54 Hamm Moor Lane, Addlestone  
Continued siting of 16 metal storage containers (double stacked) for a temporary period between May-October on an annual basis  
**DECISION: REFUSE**
- 08/0951      The Bees Nest, Shepley Drive, Virginia Water  
Erection of two storey replacement dwelling with basement and accommodation in the roof space including 10 dormer windows following demolition of the existing dwelling  
**DECISION: GRANT**
- 08/0952      134 Eastworth Road, Chertsey  
Erection of part single storey rear and two storey side/rear extension incorporating a Juliette balcony at first floor  
**DECISION: REFUSE**

<u>APP. NO.</u>	<u>LOCATION AND PROPOSAL FOLLOWED BY DECISION</u>
08/0954	The Coach House, Barley Mow Road, Englefield Green Alterations to Listed Building incorporating removal of stair enclosure at rear of building, replacement of selected windows and doors, new rear door opening and conservation rooflight, internal alterations including repositioning of staircase, removal and re-positioning of partition and internal walls <b>DECISION: GRANT</b>
08/0960	Lyne & Longcross C of E School, Lyne Lane, Lyne Erection of new kitchen and link corridor following demolition of existing servery <b>DECISION: GRANT</b>
08/0963	45 Rowtown, Addlestone Erection of single storey side and rear extension incorporating an integral garage, two storey rear extension and new front porch following demolition of existing conservatory, porch and garage <b>DECISION: GRANT</b>
08/0964	66 London Street, Chertsey Remove Maple tree in rear garden <b>DECISION: NO OBJECTION</b>
08/0965	Land at 3, 4, 5, 6 & 7 Willats Close, Chertsey Reduce branches of 10 trees of mixed species overhanging boundary of flats in Willats Close <b>DECISION: NO OBJECTION</b>
08/0968	Abbey Wing, St. Peter's Hospital, Guildford Road, Chertsey Single storey entrance lobby to front elevation of Abbey Wing <b>DECISION: GRANT</b>
08/0970	St. Anne's Primary School, Free Prae Road, Chertsey Erection of first floor extension on rear west elevation <b>DECISION: GRANT</b>
08/0972	23 Station Road North, Egham Advertisement Consent for the erection of a 48 panel/sheet billboard (non-illuminated) to the southern elevation of 23 Station Road North, Egham <b>DECISION: REFUSE</b>
08/0973	Orchard Lodge, Spratts Alley, Ottershaw Erection of detached double car port to front of dwelling <b>DECISION: REFUSE</b>

APP. NO.      LOCATION AND PROPOSAL FOLLOWED BY DECISION

- 08/0978      Kalpana, Gorse Hill Road, Virginia Water  
Erection of single storey infill extension between house and garage and extension of existing garage to front of property  
**DECISION: GRANT**
- 08/0979      64 Rowtown, Addlestone  
Erection of part two storey, part single storey rear extension  
**DECISION: GRANT**
- 08/0984      317 Stroude Road, Virginia Water  
Erection of single storey rear extension  
**DECISION: REFUSE**
- 08/0986      12 High Meadow Place, Chertsey  
Erection of conservatory to rear of property  
**DECISION: GRANT**
- 08/0989      83 Beechtree Avenue, Englefield Green  
Erection of single storey rear, side and front extensions incorporating new front entrance porch, insertion of rooflights to side and rear elevations, installation of 3 solar panels in existing rear elevation and construction of a timber framed summerhouse with rooflights to both side elevations at the rear of the property  
**DECISION: REFUSE**
- 08/0993      8 Fairway, Chertsey  
Erection of single storey front extension  
**DECISION: GRANT**
- 08/0995      The Iguana, 19 The Avenue, Egham  
Certificate of Proposed Lawfulness for the change of use of the property from use Class A4 (drinking establishment) to use Class A3 (restaurant and café)  
  
**DECISION: GRANT CERTIFICATE OF PROPOSED LAWFULNESS**
- 08/0996      Cazella, Wellington Avenue, Virginia Water  
Certificate of Proposed Lawfulness for a single storey side and rear extension and two storey rear extension  
**DECISION: GRANT CERTIFICATE OF PROPOSED LAWFULNESS**
- 08/1001      Unit 3, Pine Trees Business Park, Chertsey Lane, Staines  
External alterations comprising installation of an air handling unit on the roof and reconfiguration of existing entrance and addition of fire escape door  
**DECISION: GRANT**

<u>APP. NO.</u>	<u>LOCATION AND PROPOSAL FOLLOWED BY DECISION</u>
08/1002	Land South of Unit 3, Pine Trees Business Park, Chertsey Lane, Staines Installation of a standby generator and associated enclosure <b>DECISION: GRANT</b>
08/1008	5 Clyve Way, Staines Erection of single storey rear extension incorporating two rooflights following demolition of existing conservatory <b>DECISION: REFUSE</b>
08/1010	9 Huntingfield Way, Egham Erection of single storey rear extension incorporating rooflights to both sides following demolition of existing conservatory <b>DECISION: GRANT</b>
08/1017	Cazella, Wellington Avenue, Virginia Water Certificate of Proposed Lawfulness for erection of single storey side and rear extensions and two storey rear extension. Insertion of first floor window in existing south-easterly elevation of dwellinghouse <b>DECISION: GRANT CERTIFICATE OF PROPOSED LAWFULNESS</b>
08/1020	12 Stephen Close, Egham Erection of a single storey rear extension following demolition of outbuilding <b>DECISION: GRANT</b>
08/1021	1 Liberty Rise, Addlestone Reduce crown and thin Beech tree marked T1 on the submitted plan by maximum of 20% protected by Tree Preservation Order No. 8 <b>DECISION: GRANT</b>
08/1022	95 Bishops Way, Egham Erection of two storey side extension and a front entrance porch following demolition of existing conservatory and part of store <b>DECISION: GRANT</b>
08/1025	Thorpe Park, Staines Road, Chertsey Erection of a detached retail kiosk in association with the Canada Creek Coaster (approved under RU.07/1230) <b>DECISION: GRANT</b>
08/1027	14 Waverley Drive, Chertsey Retrospective planning application for erection of new front boundary fencing <b>DECISION: GRANT</b>
08/1038	4 Wordsworth Road, Formerly Land at Wordsworth Road, Addlestone Erection of first floor rear extension incorporating a Juliette balcony <b>DECISION: REFUSE</b>

APP. NO.      LOCATION AND PROPOSAL FOLLOWED BY DECISION

08/1095      61 Bishops Way, Egham  
Certificate of Proposed Lawfulness for a single storey rear extension  
**DECISION: GRANT CERTIFICATE OF PROPOSED LAWFULNESS**

08/1153      TESIS England, Coldharbour Lane, Thorpe  
Revised Masterplan for the expansion and rationalisation of facilities within the School Campus, including erection of new Upper School building and business office and the expansion of the Campus to incorporate Renalds Herne and The White House, Coldharbour Lane, and Anners, Village Road, and new outbuildings and changes of use either implemented or with the benefit of planning permission. (Revised plan received 21st November 2007)  
**DECISION: GRANT**

08/1165      North Campus & Renalds Herne, TESIS England, Coldharbour Lane, Egham  
Erection of new two storey plus basement Upper School building, a new two storey plus basement Science Centre and single storey Business Centre, two storey extension and alterations to The Coach House and works to improve access into the site adjacent to Renalds Herne, Coldharbour Lane. (Revised plan received 21st November 2007)  
**DECISION: GRANT**

08/1176      North Campus & Renalds Herne, TESIS England, Coldharbour Lane, Egham  
Listed Building Consent for the demolition of the detached garage, outbuilding and garden wall at the rear of Renalds Herne, demolition of a single storey building adjacent to The Coach House and the erection of a two storey extension and alterations to The Coach House  
**DECISION: GRANT**

DELEGATED DECISIONS IN CONSULTATION WITH CHAIRMAN & VICE CHAIRMAN

APP. NO. LOCATION AND PROPOSAL FOLLOWED BY DECISION

- 08/0906 River Lodge, Mead Lane, Chertsey  
Certificate of Lawful Existing Development for erection of conservatory, pergola and balcony, erection of two riverside sheds, and formation of swimming pool with raised surround  
**DECISION: SPLIT DECISION FOR CERTIFICATE OF LAWFULNESS**
- 08/0908 Land at Laurel Gardens, New Haw  
Removal of up to five overhanging branches of Eucalyptus tree within land to rear of No. 15 The Paddocks, subject to Tree Preservation Order No. 252  
**DECISION: GRANT**
- 08/1006 46 Alexandra Road, Englefield Green  
Erection of single storey side/rear extension and conversion of loft to habitable accommodation incorporating a rear dormer and rooflights to the front and side elevations. (Revised plan received 31/10/2008)  
**DECISION: GRANT**
- 08/1013 Greenside, Chestnut Avenue, Virginia Water  
Demolition of existing dwelling and erection of two storey replacement dwelling with ancillary outbuildings comprising a garage and pool house. (Amended description 3rd November 2008)  
**DECISION: GRANT**
- 08/1033 White Barn, Guildford Road, Chertsey  
Removal of Beech tree located in rear garden protected by Tree Preservation Order No. 19  
**DECISION: GRANT**

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ENFORCEMENT NOTICE AUTHORISED

1. Enforcement Notices to remove hardstanding and mobile home at Wilmar, Hurst Lane.