



# RUNNYMEDE BOROUGH COUNCIL

## PLANNING COMMITTEE

30 JANUARY 2008

### APPENDICES

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Runnymede Borough CouncilPLANNING COMMITTEE19 December 2007 at 7.30 pm

## Members of the

Committee present: Councillors G.B. Woodger (Chairman), D.W. Parr (Vice-Chairman), Mrs F.M. Angell, J.R. Ashmore, F.J. Barden, J. Broadhead, R.J. Edis, J.M. Edwards, Mrs. E. Gill, C. Knight, M.T. Kusneraitis, Mrs Y.P. Lay, Mrs J. Norman, Mrs M. Roberts and N. Stewart.

## Members of the

Committee absent: None.

438. NOTIFICATION OF CHANGES TO COMMITTEE MEMBERSHIP

The Group mentioned below had notified the Chief Executive of their wish that the changes listed below be made to the membership of the Committee. The changes were for a fixed period ending on the day after the meeting and thereafter the Councillors removed would be reappointed.

Group requesting Change	Remove from Membership	Appoint Instead
Conservative	Councillor J.R. Furey	Councillor N. Stewart
Conservative	Councillor P.B. Tuley	Councillor R.J. Edis

The Chief Executive Officer had given effect to these wishes in accordance with Section 16(2) of the Local Government and Housing Act 1989.

439. MINUTES

The Minutes of the meeting of the Committee held on 20 November 2007 were approved and signed as a correct record.

440. PLANNING APPLICATIONS

The planning applications listed below were considered by the Committee. All representations received on the applications were reported and copies were made available for inspection by Members before the meeting. The Applicant and a member of the public spoke on the application identified below.

**RESOLVED that -**

**the following applications be determined as indicated and any permission granted be subject to the conditions authorised.**

**APP. NO.****LOCATION, PROPOSAL AND DECISION****RU 07/1123**

**Gorse Hill Manor, Gorse Hill Road, Virginia Water  
Amendments to access and driveway, also new  
basement area to include subterranean car lift.**

**DECISION: GRANT subject to conditions and  
Informatives listed on Agenda.**

**RU 07/1208**

**25 Barker Road, Chertsey  
Erection of first floor rear extension.**

**DECISION: GRANT subject to conditions and Informatives listed on Agenda.**

**RU 07/1232**

**Abbey Walls, Abbey Gardens, Chertsey  
Removal of part of Beech hedge on side boundary with  
The Close (2 trunks) and part of Yew hedge on rear  
boundary facing Abbey Gardens (2 trunks) within  
Conservation Area.**

**DECISION: TPO be made on the Yew hedge for the following reason:-**

**The Council makes the Order on the group of Yew trees because it considers that the removal of one or more of the Yew trees will have an impact on the amenity of the area and character of the Chertsey Conservation Area.**

(Mr Davison, an objector and Ms A Jones, the applicant, addressed the Committee on the above application).

A Motion that a TPO be not made was LOST.

#### 441. APPEAL DECISIONS

The Committee noted that the Planning Inspectorate had recently determined the appeals mentioned below.

<u>Site/Development</u>	<u>Decision</u>
a) Fairways, Faris Lane, Woodham – planning appeal regarding extension to existing property including realignment of existing fence between 'Fairways' and 'Gleniffer Cottage' (07/0267)	ALLOWED
b) 41B Hythe Park Road, Egham – planning appeal regarding a single-storey extension (07/0156)	ALLOWED
c) Milton Park, Stroude Road, Egham – planning appeal regarding demolition of all existing structures on site and the construction of a new two-storey office building (06/0517)	DISMISSED AND NO COSTS AWARDED

#### 442. PLANNING APPLICATIONS DETERMINED BY DIRECTOR OF TECHNICAL SERVICES

A list of planning applications recently determined by the Director of Technical Services under his delegated powers was received and noted.

#### 443. SAYES HOUSE, SAYES COURT FARM DRIVE, ADDLESTONE - PROPOSED TREE PRESERVATION ORDER

By resolution of the Committee, the press and public were excluded from the meeting during the consideration of this matter under Section 100(A)(4) of the Local Government Act 1972 on the grounds that the discussion would be likely to involve the disclosure of exempt information of the description specified in paragraph 6 of Schedule 12A to Part 1 of the Act.

The Committee considered placing a Tree Preservation Order on one Beech tree on land at Sayes House, Sayes Court Farm Drive, Addlestone.

A planning application (RU.07/1128) for the demolition of the existing dwelling on the site and erection of a 2.5 storey building comprising of 8 flats, with associated access, parking for 11 cars and landscaping had recently been refused permission.

The tree was a mature Beech tree which was very visible within the area with a crown spread of 16-20 metres across with at least 40 years of future lifespan. The tree was very significant given its health and its prominence from outside the site and given its substantial size, shape and location within the site contributed to the special visual amenity of the area.

Whilst there was no evidence to suggest that the tree was under threat at present, there had been a recent planning application to redevelop this site and it was considered to be in a vulnerable location where works may be undertaken to enhance the development potential of the site.

In the circumstances, given the health and visual importance of the tree the Committee considered that a Tree Preservation Order should be made.

The Human Rights considerations associated with the case were noted.

**RESOLVED that -**

- i) **the Director of Administration and Leisure be authorised to make a Tree Preservation Order pursuant to Sections 198 to 201 of the Town & Country Planning Act 1990 in respect of one Beech tree at Sayes House, Sayes Court Farm Drive, Addlestone for the following reason:**

**The Beech tree makes a significant contribution to the visual amenities of the area and therefore should be protected in accordance with saved Policies NE12 and NE13 of the Runnymede Borough Council Local Plan Second Alteration Adopted April 2001.**

- ii) **subject to no adverse representations being received, the Director of Administration and Leisure be authorised to confirm the order without modification**

Chairman

(The meeting ended at 8.32pm)

## **SUMMARY OF THE PLANNING BILL'S MEASURES**

### **THE NEW IPC AND DEVELOPMENT CONSENT FOR INFRASTRUCTURE OF NATIONAL IMPORTANCE**

New Infrastructure Planning Commission (IPC) with powers to authorise Compulsory Purchase Orders and Issue 'Development Consent' for infrastructure projects of 'National Importance'. The sorts of projects included in this will be utilities' pipelines; reservoirs and dams; highways; airports; harbours; railway lines and rail freight terminals; generating stations and power lines (overhead) and waste processing facilities (including water).

In parallel with the IPC, there will be new procedures to follow regarding the pursuit of Development Consent. This will firstly comprise a 28 day period for the IPC to decide whether or not to accept an application for an 'order to grant development consent'.

The application procedure is then set out, along with a number of pre-application requirements which include the applicant's duty to consult. Assistance and advice from the IPC can only be given in relation to application procedures and making reps. The decision process appears to be no longer than 6 months as a 'process of examination' with a refusal or consent (with 'requirements' attached).

Development Consents will last as long as specified by the IPC.

### **Changes to National Policy Statements**

Undertaking from the Secretary of State to amend, suspend or review Planning Policy Statements (PPSs) at any time, particularly when a National Policy Statement has been overridden by other policy.

There will be a requirement to carry out a sustainability appraisal of new PPSs as well as including an indication of the 'weighting' afforded to different policies, as well as reasons for such policies, which will be set out in the documents themselves.

### **Changes to Existing Planning Regimes**

- Amendments to Section 106 of the Town and Country Planning Act 1990 to reflect the new IPC and Development Consents, and references to the new Climate Change Bill.

- Delegated officer decisions will now be subject to Council review, where an applicant requests it (in a prescribed form). Such decisions can be upheld or overruled.
- New power to allow 'non material' changes to be made to planning permissions.
- Changes to Tree Preservation Regulations.
- Secretary of State to be given new powers to determine the route to appeal, ie written representations; informal hearing or public inquiry;
- Amendments to planning and planning appeal fees regulations.

### **New Community Infrastructure Levy**

As expected, this will be a statutory planning charge – now referred to as 'CIL', imposed by local planning authorities/the Secretary of State/the Mayor of London/Welsh Ministers or any other authority with responsibility for town and country planning. These will be referred to as 'charging authorities'. Charging authorities have the power (and are required to) set, revise and publish rates and will collect the CIL directly.

The CIL Regulations will determine that it will be charged:

1. on land when developed as a result of planning permission;
2. on the owner of the land at the time when CIL becomes payable;
3. the amount will be determined at the point at which planning permission first permits the development.

Technicalities:

It will apply even if the land does not increase in value as a result of planning consent.

It can be used to 'reimburse' expenditure that has already occurred.

It can be reserved to be spent on future infrastructure projects.

It can be used to pay administrative costs in connection with the infrastructure or CIL itself.

It can be used in the provision of loans, guarantees or indemnities.

Charging authorities can also make provision for other projects if CIL is no longer needed for projects specific to the development.

Charging authorities can work jointly with one authority collecting on behalf of many.

Collection can be on account or in instalments and payment can be 'in kind' in the form of making land available for infrastructure development; carrying out works, or providing services. Non-payment or late payment of CIL can impact upon the validity of a planning permission and can even constitute a criminal offence.

The Secretary of State may set a maximum level that a charging authority can levy, as well as directing a charging authority on where it should be spent.

CIL can be applied generally (eg District-wide) within specific areas, and (importantly) can account for exceptional circumstances. Whether this means that brownfield sites with significant development 'abnormals' may be exempted, remains to be seen at this stage.



## Appeal Decision

Inquiry held on 4 December 2007

Site visit made on 4 December 2007

by **Katie Peerless** Dip Arch RIBA

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

The Planning Inspectorate  
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Decision date:  
3<sup>rd</sup> January 2008

**Appeal Ref: APP/Q3630/C/07/2043640**

**Ada's Farm, Almnors Road, Lyne, Chertsey KT16 0BH**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Andrew Doig against an enforcement notice issued by Runnymede Borough Council.
- The Council's reference is EN202321.
- The notice was issued on 23 March 2007.
- The breach of planning control as alleged in the notice is: without planning permission, change of use of the said land or premises by the siting thereon of a mobile home in residential use in the location cross hatched in black on the attached plan.
- The requirements of the notice are:
  1. Cease the use of the mobile home for residential purposes.
  2. Remove the mobile home from the said land or premises.
  3. Remove all materials arising from the removal of the mobile home and any equipment ancillary to the use of the mobile home from the said land or premises.
- The period for compliance with the requirements is six months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (f) of the Town and Country Planning Act 1990 as amended.

**Summary of Decision: The appeal is allowed, and the enforcement notice is quashed.**

### Procedural Matters

1. Although not referred to on the appeal form, one of the arguments put forward by the appellant, namely that there has been a mobile home on the site since 1972, would be more correctly put forward under an appeal on ground (d). As both parties addressed the relevant issues at the Inquiry, I shall consider them as though an appeal had been made under ground (d), i.e. that at the time the enforcement notice was issued, it was too late to take enforcement action.
2. The Council has also issued an enforcement notice alleging a breach of condition of a personal planning permission (ref: RU.85/0508) granted to appellant's father-in-law Mr T.D. Bevan, requiring removal of the caravan once Mr Bevan vacated the site. The appellant has also appealed against that notice, but the appeal against the notice is not before me at this time. Nevertheless, at the Inquiry the implications of this appeal decision on the outcome of the pending breach of condition appeal was discussed. It was agreed that the subsequent appeal would necessarily have to follow the conclusions reached in this case. If the development before me was found to be immune from enforcement action, or planning permission was granted for it, then the second notice would be overridden by that conclusion. If this appeal failed, and the enforcement notice was upheld then there would be no need for the Council to defend the second appeal. In either situation, there would be no reason for the Council not to withdraw the breach of condition notice.

## Reasons

### The appeal on ground (d)

3. Temporary planning permission for a residential caravan on the appeal site was first granted in 1972 to Mr T.D. Bevan. This planning permission was renewed a number of times until, in 1985, a personal planning permission for a caravan was granted to Mr Bevan and his wife.
4. In early 2003, the appellant and his wife purchased the mobile home that is currently at Ada's Farm and it was moved onto the site on 3 March 2003. Mr Bevan, who was by then widowed, subsequently moved into it and was later joined by his daughter and son-in-law and their family. The Council does not dispute that this mobile home has been on the site and occupied for residential use for more than four years before the issue of the enforcement notice. For this reason, it withdrew two other enforcement notices relating to operational development in connection with the mobile home.
5. However, the Council maintains that the mobile home is a residential caravan and that to station it on the site, without the benefit of the planning permission granted to Mr Bevan, is a material change of use. It submits that this is a change of use that has not yet continued for the ten years necessary for it to be immune from enforcement action. I agree that, if the mobile home was correctly classified as a caravan, then enforcement action could still be taken against the change of use.
6. However, the definition of a caravan for planning legislation purposes is found in Section 29 (1) of the Caravan Sites and Control of Development Act 1960 Act and is further clarified by Section 13 of the Caravan Sites Act 1968 (as amended). The definition in the 1968 Act applies to twin-unit caravans and notes that such structures must, amongst other things, be in not more than two sections. The mobile home that is on the site was brought onto it in four sections and I was able, at the site visit to see where and how those sections were joined together.
7. The Council considers that this criterion is the only definition that the mobile home fails to meet, and it should therefore be considered to be a caravan. I disagree with this view. The courts have held that the definition in section 13 of the 1968 Act has no relevance to a structure that is prefabricated in as many as four sections. Such a structure falls to be considered solely under the definition in the 1960 Act. The courts have also held, in *Carter v SSE and Carrick DC*, that, in order to meet the definition of a caravan as set out in Section 29(1) of this Act, the structure must be capable of being moved as a single unit. Although the Council drew my attention to a criticism of this judgement, as far as I am aware there has been no more recent ruling that overturns the conclusions of that case.
8. From what I saw at the site visit, and the evidence given by the appellant, I consider that, although described as a mobile home, the structure at Ada's Farm could not be towed or transported without previously being dismantled. Although there were wheels under part of the structure, these were located in positions that indicated they were intended to allow the separate sections to be moved independently into position before assembly and, as it exists at present, the mobile home could not be towed to a different location.

9. The structure was assembled on the site and I consider that the fact that it had to be transported on at least three lorries gives weight to the assumption that it could not be moved off in one piece. After delivery it was bolted together and covering pieces fitted over the joints. Roof tiles and a chimney flue were added and a ridge piece installed. From this it seems clear that the structure is a pre-fabricated unit, designed to be assembled in its designated location and disassembled prior to moving. The Council's planning witness also noted in her proof of evidence that the mobile home is capable of being moved again in a similar manner as it was brought onto the site i.e. in four parts. Any attempt to move the structure as a single unit would, I consider, be likely to cause it to break apart at the joints. I therefore consider that the unit at the appeal site does not fall within the statutory definition of a caravan.
10. The Council seeks to persuade me that, even if the structure is not a caravan, neither should it be classified as a building, as it does not meet the three relevant criteria, which are size, permanence and degree of attachment to the land. I consider, however, that its size, which is similar to a small bungalow, would meet that particular test. There are many structures that fall within the statutory size limits for a caravan that are nevertheless clearly buildings. In respect of permanence, it has been in place for over four years and the appellant clearly intends to retain it in its existing position. Although not physically attached to the land, other than by the service pipework, the mobile home is nonetheless of substantial mass and is kept in place by its own weight. It seems to me therefore that, as a matter of fact and degree, the balance weighs in favour of the structure being classified as a building.
11. The Council has already withdrawn two other enforcement notices, directed at operational development relating to the mobile home and hardstanding on which it is located, because the alleged breaches of control took place more than four years before they were issued. Even if I am wrong in considering that the mobile home is a building, the structure nevertheless amounts to operational development that has been occupied as a dwellinghouse on the appeal site for over four years at the time the enforcement notice was issued. Consequently, it is now immune from enforcement action.

### **Conclusion**

12. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should succeed on ground (d). Accordingly the enforcement notice will be quashed. In these circumstances the appeal under the various grounds set out in section 174(2) to the 1990 Act as amended and the application for planning permission deemed to have been made under section 177(5) of the 1990 Act as amended do not need to be considered.

### **Formal Decision**

13. I allow the appeal and direct that the enforcement notice be quashed.

*Katie Peerless*

**Inspector**

APPEARANCES

FOR THE APPELLANT:

Andrew Doig

Adas Farm, Almners Road, Lyne, Chertsey KT16  
0BH

FOR THE LOCAL PLANNING AUTHORITY:

Andrew Gardiner BA(Hons)

Law Solicitor, head of Valuation, Law and  
Committees, Runnymede Borough Council

He called

Melissa Gale BSc DipTP  
MRTPI

Planning Officer, Runnymede Borough Council

DOCUMENTS

- 1 Letters of Notification and Circulation List
- 2 Extracts from the Caravan Sites and Control of Development Act  
1960
- 3 Extracts from the Caravan Sites Act 1968
- 4 Summary of *Tewkesbury BC v Michael Keeley and Karen Adams*
- 5 Schedule of floor areas of existing structures on the appeal site
- 6 Notes of Mr Gardiner's closing submissions



# Appeal Decision

Site visit made on 4 September 2007

by **R C Shrimplin**  
 MA(Cantab) DipArch RIBA FRTPI FCI Arb MIL

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

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Decision date:  
 2 January 2008

## Appeal Reference: APP/Q3630/A/07/2035992

### 'Hardwick Park', Hardwick Lane, Lyne, Chertsey KT16 0AD

- 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 Demin Ali against the decision of Runnymede Borough Council.
- The application (reference RU.06/0576, dated 2 June 2006) was refused by notice dated 25 July 2006.
- The development proposed is "conversion of first floor of existing agricultural barn to farm worker's dwelling".

**Summary of Decision: The appeal is allowed and planning permission is granted for the development, subject to the conditions set out in the formal Decision below.**

### Main issues

1. In my opinion, there is one main issue to be determined in this appeal, deriving from the site's location in the Green Belt. It is necessary to consider whether the proposed dwelling amounts to "not inappropriate" development in the Green Belt, as a justifiable agricultural worker's dwelling.
2. A second issue had been raised in the reasons for refusal, based on concerns about the impact of the scheme on the Thames Basin Heaths Special Protection Area. At the Hearing, however, it became clear that this issue was readily capable of resolution.

### Reasons

3. Policies applicable to the Green Belt are set out in the Runnymede Borough Local Plan Second Alteration, which was adopted in April. Policy GB1 sets out the general policy framework, while Policy GB4 deals specifically with agricultural workers' dwellings and Policy GB7 is concerned with the re-use of existing buildings in the countryside.
4. National guidance on Green Belt policy is set out in 'Planning Policy Guidance Note No. 2: Green Belts'. Policies on sustainability are also relevant, and reference has been made to 'Planning Policy Statement 1: Delivering Sustainable Development' and to 'Planning Policy Statement 7: Sustainable Development in Rural Areas'. In respect of a new agricultural worker's dwelling, Annex A of the latter PPS is especially relevant, since it identifies the need to take account of both the functional need for the dwelling and the financial viability of the operation.

5. The land holding at 'Hardwick Park' is a large area of land sloping up gently towards woodland to the south-west of the holding. The land is mainly pasture, subdivided by simple fences and grazed by the livestock. At the time of my site inspection, some of the land on the holding was being used for grazing sheep, as was explained in the context of the business, but it was made clear that the raising of sheep is only a very minor part of the overall business enterprise. Essentially, the business enterprise is based upon the raising of geese and ducks for the table. The birds are hatched and reared within the building complex under closely controlled conditions and are then kept in the open paddocks on the holding. A pond has been created to water the ducks and geese but they are fed rather than being left to forage.
6. At the centre of the holding there is a group of buildings, including an incubation shed, a storage building and the main "barn" which is the subject of this appeal. This main building has incubation and storage facilities and it is to this building that customers, suppliers and other visitors come. The first floor area is predominantly laid out as a staff rest area and office, with a lavatory and kitchen, but with one room also available for incubation.
7. Both national and local planning policies emphasise that isolated dwellings in the countryside will not normally be allowed since they would erode the rural character of the countryside and do not relate well to the infrastructure. The creation of new dwellings in rural locations is also unsustainable in principle, because it leads to reliance on the motor car. In the Green Belt, the presumption against development is especially strong, since the policies are aimed at protecting the openness of the countryside.
8. In the written submissions and at the Hearing, evidence was provided with regard to the goose farm business in the context of the advice given in PPS7, notably at Annex A, which emphasises the importance of what may be called the "functional" test and the "financial" test for such enterprises.
9. In relation to the functioning of the enterprise, the incubation and hatching process was explained to me and I saw the way in which young birds are cared for within the incubation areas, under controlled and heated conditions, until they are mature enough to be moved outside. It was made clear to me that the incubation process needs to be closely supervised to avoid the loss of birds and to ensure that humane conditions are maintained. I accept that there is significant danger to the birds from both temperature change and, in some circumstances, from predators. On the evidence before me, therefore, I have concluded that there is a genuine functional need for a person to be readily available to care for the birds.
10. It was pointed out to me that there is a shortage of residential property, within an accessible price range, in the near vicinity of the appeal site and I accept that a remote alarm system would not be sufficient to enable a person living off-site to care adequately for the livestock at the appeal site, bearing in mind the travel distances that would inevitably be involved and the consequent delays that would occur, especially at times of day when traffic congestion can be expected.

11. Thus I have concluded that the needs of the birds in particular do fulfil the "functional" test. I am conscious that the mere protection of equipment and livestock is not a sufficient justification for a dwelling, in accordance with the advice given in PPS7, but in this case I believe that the desirability of maintaining security at the site reinforces the functional need that I have identified.
12. Turning to the question of financial viability, it has been explained that the enterprise fulfils an effective role in the local economy. The ducks and geese for the table are sold primarily to local people and the business figures provided to me demonstrate, to my satisfaction, that the business is sufficiently profitable to justify the employment of the business owner, Mr Demin Ali himself.
13. Indeed, I have noted that in serving the local population from a local food supply, the rearing of ducks and geese fulfils a criterion of sustainability, by contrast to food imports.
14. In short, I have concluded that the agricultural enterprise at 'Hardwick Park' does meet the necessary requirements to justify a modest dwelling on the land. A large dwelling would not be justified either by the requirements of the holding, nor by its financial standing. However, the proposed first floor conversion would not provide an unreasonably generous standard of accommodation and it can fairly be described as development which is "not inappropriate" within the Green Belt, as being a dwelling which is justified, in principle, by the legitimate requirements of the agricultural holding.
15. The building stands within the building group and the proposed conversion of the first floor would cause minimal change to the exterior of the building and, in my view, need not have an undue impact on the surroundings (notwithstanding the minor discrepancies in drawing number SK1251). Although the proposed bedroom area was being used for incubation at the time of my inspection, I am convinced that the layout of the building is such that the practical needs of the holding could be accommodated without further extension to the building. For these reasons, I am persuaded that the conversion should be allowed, although there should be no doubt that the ground floor must not acquire a residential use.
16. Nevertheless, I am concerned about certain aspects of the proposal which, in my opinion, need to be controlled by condition. First, I have no doubt that openness of the setting should be affected as little as possible and that, therefore, any garden area associated with the new flat should be carefully laid out and integrated into landscaping. This would be necessary in order both to avoid increasing any visual impact of the new dwelling in the Green Belt and undermining the rural character of the locality. A careful landscaping scheme for the site will therefore need to be designed and implemented.
17. Similarly, I am persuaded that permitted development rights ought to be withdrawn for the new dwelling, for the avoidance of doubt.
18. I am also concerned that, while the specialist nature of the current enterprise justifies the residential accommodation, that justification would not necessarily

be available if the Appellant's particular enterprise were to cease. I am therefore convinced that it is necessary in this case to impose a personal condition on the conversion. In taking that view, I have taken account of the fact that very little work would need to be carried out to the first floor accommodation to make it into a habitable unit. Bathroom and kitchen facilities for staff already exist and the potential bedroom has already been subdivided from the remainder of the office and living area. Therefore, if the enterprise were to cease its current form of operation, as directed by the Appellant, it would be relatively easy for the residential accommodation to cease to be used as such and to revert to more general office or ancillary uses associated with the agricultural land.

19. In view of my conclusions on the justification for the dwelling, however, I am not convinced that it would be either necessary or reasonable to impose a time limit on the permission, to allow for a further trial period for the business.
20. The concerns raised in respect of the Thames Basin Heaths Special Protection Area can also be dealt with by establishing a planning obligation in connection with the grant of planning permission. A unilateral undertaking has been submitted by the Appellant, following the Hearing, identifying a sum of money to be paid towards the mitigation of harmful effects relating to wildlife in the Special Protection Area and the Borough Council have subsequently confirmed that they are "happy with the revised unilateral undertaking". I accept that the obligation entered into under section 106 of the Town and Country Planning Act 1990 deals adequately with the issue.

### **Conclusions**

21. Although I have considered all the matters raised in the representations, I have found nothing in them to cause me to alter my decision in this case. I have, however, also considered the proposed conditions put forward by the Council in the usual way, without prejudice to the main arguments in the case, and I have reviewed the justification for the conditions.

### **Formal Decision**

22. For the reasons given above, I hereby allow the appeal and grant planning permission for the "conversion of first floor of existing agricultural barn to farm worker's dwelling" at 'Hardwick Park', Hardwick Lane, Lyne, Chertsey, in accordance with the terms of the planning application (reference RU.06/0576, dated 2 June 2006) and the drawings submitted therewith, subject to the following conditions.
  1. The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
  2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no development within Part 1 or Part 2 of Schedule 2 of the Order shall be carried out without the prior written permission of the local planning authority.

3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking and re-enacting that Order with or without modification), the residential use of the building to which this permission relates shall be limited to the first floor and no residential use (or use ancillary to residential use) shall be made of the ground floor of the building.
4. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. All these works shall be carried out as finally approved in detail. The details to be submitted shall include proposed and existing finished levels, means of enclosure and functional services above and below ground. The details of the soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants (noting species, plant sizes and proposed numbers or densities where appropriate) and implementation programme.
4. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the implementation programme approved by the local planning authority. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.
5. The use hereby permitted shall be carried on by Mr Demin Ali (the Appellant). When the premises cease to be occupied by Mr Demin Ali, the residential use hereby permitted shall cease and all materials and equipment brought onto the premises in connection with that use shall be removed.

*RC Shrimplin*

INSPECTOR

## **APPEARANCES**

### FOR THE APPELLANT

Mr B Underwood, Country Land and Business Association, (CLA),  
16 Belgrave Square, London SW1 8PQ

Mr R Lloyd-Hughes BSc MRICS, Rural Planning Limited,  
21 Paynes Lane, Maidstone, Kent ME15 9QU

Mr P Waller MRTPI, 66 College Road, Maidstone, Kent ME15 6SJ

Mr T Gibbons, 12B Jersey Close, Chertsey, Surrey KT16 9PA

Mr Ali Demin, Hardwick Park, Hardwick Lane, Lyne, Chertsey KT16 0AD

### FOR THE LOCAL PLANNING AUTHORITY

Ms L Waters, BA(Hons) MA MRTPI

Mr J Paul, Humberts, The Estate Office, 7A Carfax, Horsham RH12 1DW

Mr M Bourne, Humberts, The Estate Office, 7A Carfax, Horsham RH12 1DW

### INTERESTED PERSONS

Mr C Boyde, Hardwick Court Farm, Hardwick Lane, Chertsey KT16 0AD

## **DOCUMENTS**

A Runnymede Borough Council letter of notification of the Appeal,  
dated 15 February 2007

B Runnymede Borough Council letter of notification of the Hearing,  
dated 16 July 2007

C Goosefayre leaflet, submitted by the Appellant

D Unilateral Undertaking, dated 4 September 2007, submitted by the Appellant

## **DOCUMENTS SUBMITTED SUBSEQUENT TO THE HEARING**

A Letter submitted by the Appellant, dated 7 September 2007,  
and revised Unilateral Undertaking

B Response from Runnymede Borough Council, dated 13 September 2007  
(by e-mail)

PLANNING APPLICATIONS DETERMINED BY  
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 DIRECTOR OF TECHNICAL SERVICES  
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17TH DECEMBER 2007 TO 11TH JANUARY 2008

<u>APP. NO.</u>	<u>LOCATION AND PROPOSAL FOLLOWED BY DECISION</u>
07/0936	Land at Spratts Alley, Ottershaw Reduce length of limbs growing over the driveway of trees 1 and 2 by maximum of 3 metres, remove lateral limb growing close to roof of garage and reduce length of other limbs over garage by maximum of 5 metres in length protected by Tree Preservation Order No. 65 (Amended description 11th December 2007). <b>DECISION: GRANT</b>
07/1020	Ansdell, Faris Lane, Woodham Reduce crown of Oak Tree on the side over the property known as Woodside by up to 30% i.e. 2.5 metres in length of the limbs and removal of Conifer protected by Tree Preservation Order no. 366 (Amended description 4th December 2007). <b>DECISION: GRANT</b>
07/1154	70 Ayebridges Avenue, Egham Erection of a single storey side and rear extension incorporating an integral garage and a front porch with pitched roof extending over existing bay window following demolition of existing conservatory and side extension. <b>DECISION: GRANT</b>
07/1179	3 Chaworth Close, Ottershaw Erection of a rear conservatory. <b>DECISION: REFUSE</b>
07/1180	27 Linden Close, New Haw, Addlestone Erection of a conservatory to rear of property. <b>DECISION: GRANT</b>
07/1184	Woodbury House, 2 Brock Way, Virginia Water Certificate of proposed lawful development for dormers within the roofspace (2 front & 2 rear) and a single storey rear extension. <b>DECISION: SPLIT DECISION FOR CERTIFICATE OF LAWFULNESS</b>
07/1186	12 Spring Avenue, Egham Erection of a single storey side extension with insertion of rooflight and construction of new detached garage following demolition of existing. <b>DECISION: GRANT</b>

<u>APP. NO.</u>	<u>LOCATION AND PROPOSAL FOLLOWED BY DECISION</u>
07/1194	37 Laurel Avenue, Englefield Green Erection of a single storey rear extension. <b>DECISION: GRANT</b>
07/1195	143 Thorpe Lea Road, Egham Conversion of existing dwelling into two self-contained flats comprising of 1 no. x 1 bed flat on the ground floor and 1 no. x 2 bed flat on the first floor; the erection of a part two storey, part single storey rear extension with insertion of roof light in the single storey extension, construction of rear and side dormer windows to allow habitable accommodation in the roofspace and the formation of a new side entrance door to provide access to the first floor flat. <b>DECISION: REFUSE</b>
07/1196	3 & 4 Ravenfield, Englefield Green Erection of a front garage extension and conversion of part of existing garage into habitable accommodation (nos. 3 & 4) and erection of a conservatory to rear of property (no. 3 only). <b>DECISION: GRANT</b>
07/1203	82 Slade Road, Ottershaw Erection of a single storey front/side/rear extension. <b>DECISION: GRANT</b>
07/1205	10 Hythe Park Road, Egham Erection of conservatory to side/rear of property. <b>DECISION: GRANT</b>
07/1206	12 Crown Rise, Chertsey Erection of a conservatory to rear of property. <b>DECISION: GRANT</b>
07/1211	34 & 36 Common Lane, New Haw, Addlestone Demolition of existing 2 houses and erection of one pair of two storey semi-detached and one detached dwelling. <b>DECISION: REFUSE</b>
07/1212	2 Quincy Road, Egham Erection of an attached garage to side and creation of a new vehicle crossover. <b>DECISION: REFUSE</b>
07/1214	The Olde Swan, 27 Windsor Street, Chertsey Listed Building Consent for one externally illuminated projecting sign, one lantern and 6 other non illuminated signs. <b>DECISION: GRANT</b>
07/1215	The Olde Swan, 27 Windsor Street, Chertsey Advertisement consent for one externally illuminated projecting sign, one lantern and 6 other non illuminated signs. <b>DECISION: GRANT</b>

<u>APP. NO.</u>	<u>LOCATION AND PROPOSAL FOLLOWED BY DECISION</u>
07/1219	85 Simplemarsh Road, Addlestone Erection of a part two storey, part first floor rear extension with insertion of rooflights and construction of front canopy. <b>DECISION: GRANT</b>
07/1221	Tudor Manor, Coach Road, Ottershaw Works to trees including felling of 6 trees close to boundary with Cross Lane. <b>DECISION: GRANT</b>
07/1222	Addlestone Baptist Church, 5 Crouch Oak Lane, Addlestone Erection of replacement ramp at front of church. <b>DECISION: GRANT</b>
07/1223	106 Bourneside Road, Addlestone Erection of a single storey front and part single, part two storey rear extensions. <b>DECISION: GRANT</b>
07/1225	46 Howards Lane, Addlestone Erection of a two storey side extension following demolition of existing garage. <b>DECISION: GRANT</b>
07/1228	1-36 Moat Court, Shaw Close, Ottershaw Raise crown of two Thuja trees marked T4 and T5 on the submitted plan to 3 metres above ground level, raise crown of Purple Plum tree marked T6 on submitted plan to 3 metres and remove 3 dead Elm trees marked T1, T2, and T3 protected by Tree Preservation Order 18. <b>DECISION: GRANT</b>
07/1229	44 Claremont Road, Staines Certificate of proposed lawful development for the erection of a single storey rear extension. <b>DECISION: GRANT</b>
07/1231	Grand View, Coopers Hill Lane, Englefield Green Erection of a detached two storey dwelling following demolition of existing dwelling and garage. <b>DECISION: REFUSE</b>
07/1234	1 Keepers Walk, Virginia Water Amendments to RU.06/0205 for erection of detached two storey dwelling with roof accommodation, attached swimming pool and detached triple garage following demolition of existing dwelling and garage. <b>DECISION: GRANT</b>

<u>APP. NO.</u>	<u>LOCATION AND PROPOSAL FOLLOWED BY DECISION</u>
07/1235	<p>Thorpe C of E Infant School, The Bence, Egham            Single storey flat roof extension to east of school, forming staff room facilities, medical room and practical arts room. Extension to existing covered teaching area to south and east of building.</p> <p><b>DECISION: GRANT</b></p>
07/1236	<p>11 Ayebridges Avenue, Egham            Alterations and increase in height of roof to allow habitable accommodation at first floor level with insertion of front rooflight and rear dormer.</p> <p><b>DECISION: REFUSE</b></p>
07/1237	<p>29 Addlestone Moor, Addlestone            Installation of dormer window in roof space to create habitable accommodation in roof.</p> <p><b>DECISION: GRANT</b></p>
07/1238	<p>Car park r/o 11 Windsor Street, Chertsey            Remove suckers, strip ivy to head height and crown lift to 18ft Ash Tree in car park r/o 11 Windsor Street protected by Conservation Area status.</p> <p><b>DECISION: NO OBJECTION</b></p>
07/1241	<p>47 Ferndale Avenue, Chertsey            Erection of a single storey linked garden room and construction of a rear porch.</p> <p><b>DECISION: GRANT</b></p>
07/1242	<p>Gorse Hill Manor, Gorse Hill Road, Virginia Water            Creation of formal front and rear gardens, natural swimming pool and decking, informal paths around site and provision for leisure activities with additional planting.</p> <p><b>DECISION: GRANT</b></p>
07/1243	<p>Salesian House, 1 Salesian Gardens, Chertsey            Loft conversion to create two bedsits for retired priests to be naturally lit with velux rooflights.</p> <p><b>DECISION: GRANT</b></p>
07/1245	<p>42 Warren Road, New Haw, Addlestone            Erection of a single storey side extension.</p> <p><b>DECISION: GRANT</b></p>
07/1246	<p>Englefield Green House, Middle Hill, Egham            Part single, part two storey extension to existing 'stable block' following part demolition to allow for ancillary accommodation comprising a 2 bed flat and additional double garage. Revised plans received.</p> <p><b>DECISION: GRANT</b></p>

<u>APP. NO.</u>	<u>LOCATION AND PROPOSAL FOLLOWED BY DECISION</u>
07/1247	Englefield Green House, Middle Hill, Egham Part single, part two storey extension to existing 'stable' block following part demolition to allow for ancillary accommodation comprising 2 bed flat and additional double garage. Revised plans received. <b>DECISION: GRANT</b>
07/1250	Land at 10 Mead Lane, Chertsey Demolition of existing garage and erection of two storey building comprising 4no. 1 bed flats and associated amenity space, with parking for 4 cars. <b>DECISION: REFUSE</b>
07/1253	The Thames Lodge Hotel, Thames Street, Staines Consultation by Spelthorne Borough Council of the Renewal of planning permission 02/00783/FUL for the demolition of outbuildings and erection of part 2 ½ storey, part 1st and 2nd floor infill extension and rear conservatory with accommodation in part of roof space to provide 28 bedrooms, extended dining area, new staff stores/kitchen facilities. <b>DECISION: NO OBJECTION</b>
07/1257	63 Wendover Road, Staines Erection of a single storey rear extension with insertion of rooflights to both side elevations. <b>DECISION: REFUSE</b>
07/1264	57 Laurel Avenue, Englefield Green, Egham Certificate of proposed lawfulness development for rear single storey extension. <b>DECISION: GRANT CERTIFICATE</b>
07/1267	Wentworth Travel, 20 Station Parade, Virginia Water Single storey rear extension for display of furniture and new shop front. <b>DECISION: GRANT</b>
07/1268	The Ridge (Formerly Crowood), West Drive, Virginia Water Amendment to RU.07/0621 (for a two storey dwelling with roof accommodation) to re-align the proposed dwelling. <b>DECISION: GRANT</b>
07/1269	Fan Court Farm, Longcross Road, Lyne Creation of new vehicular access onto Longcross Road. <b>DECISION: REFUSE</b>
07/1270	Electric Centre, 2 Clay Corner, Eastworth Road, Chertsey Erection of 3 non-illuminated fascia panel signs, 1 non-illuminated sign on western elevation and six non-illuminated parking panels to replace the existing signs. <b>DECISION: GRANT</b>

<u>APP. NO.</u>	<u>LOCATION AND PROPOSAL FOLLOWED BY DECISION</u>
07/1282	Belair House, Chertsey Boulevard, Hanworth Lane, Chertsey Installation of 7 air conditioning units at rear elevation. <b>DECISION: GRANT</b>
07/1283	Latour House, Chertsey Boulevard, Hanworth Lane, Chertsey Installation of 9 air conditioning units on rear elevation. <b>DECISION: GRANT</b>
07/1285	19 Kingswood Close, Englefield Green, Egham Erection of 2 storey side extension following demolition of existing garage. Single storey rear extension and erection of open front porch. <b>DECISION: GRANT</b>
07/1287	Alexandra Cottage, Accommodation Road, Longcross, Chertsey Revision to planning permission RU.07/1057 (for the demolition of the existing bungalow and erection of replacement bungalow with basement) to enlarge basement accommodation. <b>DECISION: GRANT</b>
07/1314	The Crown Hotel, 7 London Street, Chertsey Advertisement consent for the installation of two externally illuminated signs one non illuminated swing sign and one internally illuminated menu display box following the removal of the existing signs. <b>DECISION: GRANT</b>
07/1263	72 Selbourne Avenue, New Haw, Addlestone Erection of single storey side and rear extension following demolition of existing single storey extension. <b>DECISION: GRANT</b>
07/1276	58 Liberty Lane, Addlestone Relaxation of Condition 4 of planning permission RU.07/0824 to allow insertion of two rooflights (one on eastern, one on western elevation) and deletion of proposed west facing window in proposed first floor rear extension. <b>DECISION: GRANT</b>
07/1290	78 & 80 Bourneside Road, Addlestone Erection of a two storey rear extension to nos 78 & 80 and single storey front extension to No. 78. <b>DECISION: GRANT</b>
07/1300	136 Brox Road, Ottershaw, Chertsey Erection of single storey infill extension incorporating a lantern style rooflight. <b>DECISION: GRANT</b>
07/1323	Land at Abbey Walls, Abbey Gardens, Chertsey Conservation Area Consent for demolition of garage and storage buildings within Chertsey Conservation Area. <b>DECISION: REFUSE</b>

**DELEGATED DECISIONS IN CONSULTATION WITH CHAIRMAN & VICE CHAIRMAN**

<u>APP. NO.</u>	<u>LOCATION AND PROPOSAL FOLLOWED BY DECISION</u>
07/1020	Ansdell, Faris Lane, Woodham Reduce crown of Oak Tree on the side over the property known as Woodside by up to 30% i.e. 2.5 metres in length of the limbs and removal of Conifer protected by Tree Preservation Order no. 366 (Amended description 4th December 2007). <b>DECISION: GRANT WORKS TO TREE</b>
07/1185	33 Friars Way, Chertsey Removal of 4 Sycamore Trees protected by Tree Preservation Order No. 256. <b>DECISION: REFUSE</b>
07/1189	68 Trumps Green Avenue, Virginia Water Single storey rear extension and insertion of a rear dormer window and rooflights to both side elevations to provide habitable accommodation at first floor level. <b>DECISION: GRANT</b>
07/1190	The Moorings, 6 Riverside, Egham Demolition of existing bungalow, car port and attached store and erection of a replacement chalet bungalow style dwelling. <b>DECISION: GRANT</b>
07/1199	Land at Coxes Lock/Wey Navigation, Bourneside Road, Addlestone Pollarding and coppicing of 21 trees at Coxes Millpond protected by Conservation Area status. <b>DECISION: NO OBJECTION</b>
07/1218	Gas Works and Regional Offices, The Causeway, Staines Erection of 2 no. 96 sheet free standing advertisement boards with overhead illumination. <b>DECISION: GRANT</b>
07/1240	7 Pinehurst, London Road, Englefield Green Erection of a single storey rear/side extension. <b>DECISION: GRANT</b>