

Runnymede Borough Council

PLANNING COMMITTEE

Wednesday 30 January 2008 at 7.30 p.m.

in the Council Chamber

at the Civic Offices, Addlestone



Members of the Committee

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

A G E N D A

Notes:

- i) Any report on the Agenda involving confidential information (as defined by section 100A(3) of the Local Government Act 1972) must be discussed in private. Any report involving exempt information (as defined by section 100I of the Local Government Act 1972), whether it appears in Part 1 or Part 2 below, may be discussed in private but only if the Committee so resolves.
- ii) The relevant 'background papers' are listed after each report in Part 1. Enquiries about any of the Agenda reports and background papers should be directed in the first instance to **Mr. B.A. Fleckney, Administration and Leisure Department, Committee Section, Civic Offices, Station Road, Addlestone (Tel. Direct Line: 01932 425620). (Email: bernard.fleckney@runnymede.gov.uk).**
- iii) Agendas and Minutes are available on a subscription basis. For details, please ring Mr. B.A. Fleckney on 01932 425620. Agendas and Minutes for all the Council's Committees may also be viewed on www.runnymede.gov.uk.
- iv) **Public speaking on planning applications only is allowed at the Planning Committee. For details please contact Mrs T. Eeles, the Administrative Section of the Technical Services Department. (Tel Direct Line: 01932 425174)**
- v) In the unlikely event of an alarm sounding, members of the public should leave the building immediately, either using the staircase leading from the public gallery or following other instructions as appropriate.

LIST OF MATTERS FOR CONSIDERATION

PART I

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(No reports to be considered under this heading)

GLOSSARY OF TERMS AND ABBREVIATIONS

TERM	EXPLANATION
BCN	Breach of Condition Notice. Formal enforcement action to secure compliance with a valid condition
Brownfield land	'Previously Developed Land'. Land which is or was occupied by a permanent (non-agricultural) structure, including the curtilage of the development (therefore includes gardens)
BVPI's	Best Value Performance Indicators. Specified by central government to measure performance on a wide range of Council services
CHA	County Highways Authority. Responsible for offering advice on highways issues relating to planning applications as well as highways maintenance and improvement
CIR	Government Circular – document setting out policy which has legal connotations
CLEUD	Certificate of Lawful Existing Use or Development. Formal procedure to ascertain whether a development which does not have planning permission is immune from enforcement action
CLOPUD	Certificate of Lawful Proposed Use or Development. Formal procedure to ascertain whether a development requires planning permission
Conservation Area	An area of special architectural or historic interest designated due to factors such as the layout of buildings, boundaries, characteristic materials, vistas and open spaces
CPA	Comprehensive Performance Assessment. An external process to assess the quality of individual Council's Performance (set out in the Local Government White Paper 2001). It brings together evidence from a range of internal and external sources, in addition to an on site inspection, in order to arrive at an overall category
DC	Development Control – the area of planning service that processes planning applications, planning appeals and enforcement work
Design Statement	A design statement is submitted with a planning application and sets out the design principles that the applicant has adopted to make the proposal fit into its wider context
Development Plan	The combined policy documents of the Structure Plan, Local Plan, Minerals and Waste Plans. Will shortly be replaced by the South East Plan, the Local Development Framework and the Minerals and Waste Frameworks
DTS	Director of Technical Services
EA	Environment Agency. Lead government agency advising on flooding and pollution control
EIA	Environmental Impact Assessment – formal environmental assessment of specific categories of development proposals
ES	Environmental Assessment under the Environmental Impact Assessment Regulations
FRA	Flood Risk Assessment
GPDO	General Permitted Development Order. Document which sets out categories of permitted development (see 'PD')
GOSE	The Government Office for the South East. This is the local office of the Deputy Prime Minister for the South East region of England
HGV	Heavy Goods Vehicle
LBC	Listed Building Consent
LDD	Local Development Documents – component parts of the LDF
LDF	Local Development Framework. The policy document that will guide development in the Borough up to 2026
LDS	Local Development Scheme - sets out the programme and timetable for preparing LDDs

TERM	EXPLANATION
Listed building	An individual building or group of buildings which require a level of protection due to its architectural interest, historical interest, historical associations or group value
LNR	Local Nature Reserve
Local Plan	The current planning policy document that will be replaced by the LDF
LPA	Local Planning Authority
LSP	Local Strategic Partnership – Leads on the Community Strategy
Material Considerations	Matters which are relevant in determining planning applications
Net Density	As defined in PPG3: Housing. The density of a housing development excluding major distributor roads, primary schools, open spaces serving a wider area and significant landscape buffer strips
PCN	Planning Contravention Notice. Formal notice which requires information to be provided in connection with an enforcement investigation. It does not in itself constitute enforcement action
PD	Permitted development – works which can be undertaken without the need to submit a planning application
PDG	Planning Delivery Grant. An annual grant from central government which reflects the previous year's performance in delivering planning services
P & I	Policy and Implementation – the area of planning service that produces the Local Development Framework, monitors development and supports the Runnymede Business Partnership and Travel Initiative
PINS	Planning Inspectorate
POS	Public Open Space
PPG	Planning Policy Guidance. This is guidance issued by the Secretary of State detailing National Planning Policy within existing legislation
PPS	Planning Policy Statements. The replacement title for PPG
Ramsar Site	A wetland of international importance
RIPA	Regulation of Investigatory Powers Act. Provides limitation on covert surveillance relating to enforcement investigation
SAC	Special Area of Conservation – an SSSI additionally designated as a Special Area of Conservation under the European Community's Habitats Directive 1992 in order to maintain or restore priority natural habitats and wild species
SCI	Statement of Community Involvement. The document and policies that indicate how the community will be engaged in the preparation of the LDF
SEA/SA	Strategic Environmental Assessment/Sustainability Appraisal – formal appraisal of the Local development Framework
SEEDA	South East England Development Agency
SEERA	South East England Regional Assembly – based in Guildford. Responsible for producing South East Plan
Sec. 106	A legal agreement for the provision of facilities and/or infrastructure either directly by a developer or through a financial contribution, to meet the needs arising out of a development. Can also prevent certain matters
SNCI	Site of Nature Conservation Importance. A non-statutory designated area of county or regional wildlife value
South East Plan	Regional Planning Document produced in draft form by SEERA. Will provide regional planning guidance and housing targets for individual Councils for the period up to 2026
SPA	Special Protection Area. An SSSI additionally designated a Special Protection Area under the European Community's Directive on the Conservation of Wild Birds 1979
SPD	Supplementary Planning Document – provides additional advice on policies in Local Development Framework (replaces SPG)
SSSI	Site of Special Scientific Interest
Structure Plan	Strategic guidance for the whole county produced by Surrey County Council. Will eventually be replaced by the South East Plan

TERM	EXPLANATION
SUDS	Sustainable Urban Drainage Systems. Providing urban drainage systems in a more environmentally sensitive way by systems designed to reduce the quantity of run-off, slow its velocity or provide for filtering, sedimentation and biological degradation of the water
Sustainable Development	Sustainable development is the core principle underpinning planning. It is defined as "development that meets the needs of the present without compromising the ability of future generations to meet their own needs"
TA	Transport Assessment – assessment of the traffic and transportation implications of a development proposal
TPO	Tree Preservation Order – where a tree or trees are formally protected and prior consent is needed for pruning or felling
TRICS	Computerised database and trip rate analysis used to estimate traffic flows to and from a variety of land uses, to assess transportation implications of new development in southern England
Use Classes Order	Document which lists classes of use and permits certain changes between uses without the need for planning permission

1. FIRE PRECAUTIONS

The Chairman will read the Fire Precautions which set out the procedures to be followed in the event of fire or other emergency.

2. NOTIFICATION OF CHANGES TO COMMITTEE MEMBERSHIP

3. MINUTES

To confirm and sign the Minutes of the meeting of the Committee held on 19 December 2007 as a correct record (Appendix 'A').

4. APOLOGIES FOR ABSENCE

5. DECLARATIONS OF INTEREST

If Members have an interest in an item please record the interest on the form circulated with this Agenda and hand it to the Legal Representative or Committee Administrator at the start of the meeting. A supply of the form will also be available from the Committee Administrator at meetings.

Members who have previously declared interests which are recorded in the Minutes to be considered at this meeting need not repeat the declaration when attending the meeting. Members need take no further action unless the item in which they have an interest becomes the subject of debate, in which event the Member must leave the room if the interest is personal and prejudicial.

6. PLANNING APPLICATIONS

A list of planning applications to be determined by the Committee is attached.

If Members have particular queries or interests in certain applications, the application files will be available for inspection and Officers present from 7.00 p.m. prior to the meeting in the ante room of the Council Chamber. This will be an informal opportunity for Members to see further details of applications and representations and to discuss and clarify issues. Copies of all letters of representation will also be placed on the table in the Chamber prior to the meeting and will be available for inspection by Members.

OFFICERS' RECOMMENDATION that –

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

(TO RESOLVE)

Background Papers

A list of background papers is available from the Technical Services Department.

7. STREAMLINING LOCAL DEVELOPMENT FRAMEWORK : CONSULTATION AND PROPOSED REFORMS TO THE PLANNING SYSTEM (DTS)

1. Purpose of Report

1.1 The purpose of this report is:

- i) to seek the views of the Committee on a consultation from the Government entitled 'Streamlining Local Development Framework'; and
- ii) to provide information on the proposed reforms to the planning system.

1.2 Comments on the consultation document are requested by 19th February 2008.

2. Background Information

2.1 The Planning White Paper, considered by this Committee at its meetings on 25 July and 15 August 2007, outlines a number of proposals for making the Planning System more transparent, quicker and fairer. The Planning Bill, currently before Parliament, seeks to deliver the Government's long term issues for Britain in relation to housing, climate change, energy saving, transport provision and prosperity and quality of life for all. The Planning Bill addresses these wider issues, but there are a number of sister bills that consider matters in more detail (the Climate Change Bill, Local Transport Bill and Energy Bill).

2.2 The main purpose of this report is to consider the consultation paper on the Local Development Framework (LDF), but reference is made to the wider context of these changes as set out in the Planning Bill.

3. Technical Considerations – LDF Consultation

3.1 The preparation of the LDF requires three distinct phases of consultation: the issues and options, the preferred options and submission stage. This process is required for every type of Development Plan Document (ie the Core Strategy or Supplementary Planning Document). The consultation proposes that this be reduced to an option and a submissions consultation except where the local planning authority consider it appropriate to undertake the separate issues and options consultation.

Comment

3.2 ***The three stage consultation has proved to be very unwieldy and not provided the streamlined process anticipated. The pragmatic approach now being suggested will certainly help to reduce the length of time it takes to produce the LDF without undermining the democratic input.***

3.3 Currently when the LDF Submission Document is presented to the Secretary of State (SoS) for examination there is no opportunity to amend the plan in light of comments received. Accordingly when helpful comments are submitted, the LPA is unable to make changes to the Plan before it is considered by the Inspector appointed by the SoS. The consequence of this is that a change that may make the Plan sound (and acceptable) cannot be considered except as part of the formal examination. It is proposed to introduce a stage that allows for changes prior to formal examination.

Comment

3.4 ***The Committee will recall that the Runnymede Submitted LDF Core Strategy was considered by an Inspector to be potentially unsound. As it was not possible to make any changes it was resolved to withdraw the Core Strategy and return to first principles. The type of mechanism now being proposed may have enabled the Core Strategy to proceed with changes and is welcomed. It may also be of value for the Government to introduce a stage that enables an Inspector to have an exploratory***

meeting with the LPA and others to identify any issues that may reduce challenges on the 'soundness' of the Plan.

- 3.5 Currently when a Supplementary Planning Document (SPD) (ie additional interpretation of a policy such as affordable housing) is prepared, it needs to be in accordance with a policy in the DPD. However, it is proposed to allow the SPD to be also prepared in accordance with national policy or the Regional Plan (ie the South East Plan).

Comment

- 3.6 ***This is a sensible approach to the preparation of an SPD.***

- 3.7 The proposals above will form part of a restructuring of Planning Policy Statement 12. As part of the revision to PPS12 it is proposed to highlight the fact that the LDF Core Strategy is a fundamental part of the Council's place shaping role and a key element of the Sustainable Community Strategy and the revised funding mechanisms that form part of the Local Area Agreement process.

Comment

- 3.8 ***The revised role of planning from a regulatory tool to a process at the heart of Local Authority strategic thinking is a big step. It will need a significant change in attitude that will require strong guidance to other local authority activities to emphasise the new role for planning. This may not be as easy as the Government is suggesting and has parallels with the difficulties that the introduction of the new LDF process had in transition from the old system.***

The Planning Bill

- 3.9 The key measures in the Bill, in summary, are as follows:

- Ministers to set national priorities for major infrastructure projects (such as roads, rail, power stations) following public consultation and Parliamentary scrutiny;
- Infrastructure applications will be made through a single consent regime and the application will be determined by an Independent Commission consisting of leading experts from a range of fields within a clear framework of legal duties set by Parliament and policy set by Government;
- Developers to have a legal duty to consult the local community, local authorities and key stakeholders on their projects as they prepare them;
- Developers will have to pay a new financial tariff (called a "Community Infrastructure Levy" to be determined on the quantity and type of development) for improvements to local infrastructure to be set by the "charging authorities" – including the Local Planning Authority;
- The need to provide more supporting information enabling the registration and determination of planning applications;
- The Secretary of State through the Planning Inspectorate to determine the type of planning appeals – written representations, informal hearings or public inquiry and not the appellant;
- Make it easier for homeowners to extend their homes by amending the General Permitted Development Order, thereby enabling development without the need for planning permission, including conservatories, small-scale extensions, solar panels and wind turbines.

Further details are set out in Appendix 'B'.

Comment

- 3.10 ***The Planning Bill was laid before Parliament in November 2007 and comprises 140 pages, 189 sections and 6 schedules. As a Public Bill it must pass through a number***

of stages in the House before it receives Royal Assent and becomes the Planning Act 2008.

3.11 *The Bill aims to make the planning system more transparent and fairer and involve the public at all stages of the planning process. However, whether the Planning Bill can deliver these objectives has been questioned. This is because the Bill introduces yet more changes to an already complex planning system which is struggling to deliver sustainable development through the determination of a record amount of planning applications and the ongoing difficulties in determining planning applications due to a planning policy vacuum associated with the failure of the adoption of the new style Local Development Documents.*

3.12 *Some commentators say that the Planning Bill will have some difficulty in delivering its objectives because Local Planning Authorities are not adequately resourced to implement not only the measures in this Bill, but also the plethora of other measures being made by Government to improve the effectiveness and accountability of the planning system, including the delivery of 3 million homes by 2020 as sought by the Housing Green Paper.*

4. Council Policy and Legal Issues

4.1 The proposed changes to the LDF processes and the potential changes set out in the Planning Bill will need to be reflected in Council Policy.

5. Resources Issues

5.1 The impact of the changes on the planning system is likely to have resource implications.

6. Sustainability Issues

6.1 The proposed changes are set within the context of the Government's sustainable communities agenda.

7. Conclusions

7.1 The Government is proposing changes to speed up the preparation of the LDF process as part of changes to PPS12 and undertake a more thorough review of the planning system with the changes proposed in the Planning Bill.

7.2 The proposed changes via secondary legislation (PPS12) and primary legislation (the Planning Bill) will have significant implications for the Planning Service in Runcy. The proposed changes to the LDF process will help. However, the changes currently proposed in the Planning Bill may introduce a scale of change to the Planning system that could require significant changes to current practice.

OFFICERS' RECOMMENDATION that –

the comments set out in paragraphs 3.1-3.8 be forwarded to the Government as a formal response to the consultation entitled 'Streamlining Local Development Framework'.

(TO RESOLVE)

Background Papers

None

8. LAND AT HARROW BOTTOM ROAD, LYNE - ENFORCEMENT (DTS)

1. Purpose of Report

1.1 **To seek the authorisation of the Committee to issue Enforcement Notices in respect of a change in the use of the land for the keeping of polo horses and associated development and uses comprising unauthorised stables, caravan, raised planter,**

mobile storage container, portaloo, exercise track, and horse washing facilities at Harrow Bottom Road.

2. Site Description

2.1 The site comprises an area of land of some 2 hectares, located to the south of Harrow Bottom Road. The site falls within the Green Belt, and existing trees are protected by Tree Preservation Order No. 33 (TPO).

3. Site History

3.1 The most relevant history is set out below:

3.2 *RU.03/0018*: Erection of stable block and hay barn and the creation of a new vehicular access (revised description 20.02.03). Refused March 2003.

3.3 *RU.03/0933*: Erection of stable block and hay barn and associated internal vehicular access and hardstanding areas. Refused October 2003.

3.4 *RU.05/0010*: Erection of stable block, hay barn, new access road and associated parking, new boundary gates, fencing and raised bunds (revised description) Withdrawn.

3.5 An application was submitted by the new owner of the land in December 2006 for the erection of stables upon the site. This application was not registered by the local planning authority as it was considered invalid and was subsequently withdrawn by the applicant.

3.6 The Planning Committee at its meeting on 28th November 2007 authorised formal enforcement action for the site in respect of the construction of a new internal vehicular access, internal hardstanding, a raised bund and metal gates and fencing along the front boundary. The Committee was advised that further unauthorised developments and uses were being considered within the site.

4. Unauthorised Development

4.1 The Planning Committee was advised at its meeting on 28th November that any further outstanding issues within the site would be referred back to the Planning Committee for determination. However following legal advice, it is considered expedient to serve enforcement notices against all unauthorised development and uses at the same time.

4.2 The additional unauthorised development on this site comprises the change in the use of the land for the keeping of polo horses and associated development and uses comprising unauthorised stables, caravan, mobile storage container, portaloo, exercise track, and horse washing facilities.

4.3 As detailed within Section 3 above there have been a number of refusals relating to the erection of stables within the site, the 2003 and 2005 applications having been submitted by the previous owner of the site.

4.4 The initial enforcement complaint in respect of the site was received on 12th February 2004. The previous owner of the land constructed a new vehicular access, internal access road and hardstanding areas and an earth bund within the site without the benefit of prior planning permission. The current owner of the land has since constructed additional hardstandings within the site, a raised planter, stables, a grass exercise track, horse washing facilities and sited a caravan, mobile storage container and portaloo within the site. These developments and uses are related to the owner's current use of the site for the keeping of polo horses.

4.5 The agent confirmed during a site meeting on 23 November that the caravan was being utilised for storage and staff facilities and that it was not their intention to utilise the caravan for residential purposes. He also confirmed at that meeting that the owner has a permanent groom on the site and 2 polo ponies currently on the land. He advised that the owner is involved in both summer and winter polo.

4.6 In order to be lawful, such operational development and changes of use would need to have existed on the site for respective periods of 4 and 10 years and as such works commenced in 2007 the unauthorised operational development and changes of use are not considered to be

immune from formal enforcement action. As a result authority to institute enforcement action, to remove the unauthorised operational development and changes of use which have occurred within the site and a return of the site to its original "undeveloped" state prior to the above contravention, is sought.

5. Planning Considerations

- 5.1 Planning Policy Guidance Note 2 : 'Green Belts' (PPG2) advises that the statutory definition of development includes engineering and other operations, and the making of any material change in the use of land. The carrying out of such operations and the making of any material changes in the use of land are inappropriate development unless they maintain openness and do not conflict with the purposes of including land in the green belt. The visual amenities of the green belt should also not be injured by proposals for development within or conspicuous from the green belt.
- 5.2 It is considered that the principle of the erection of stables within the site of an appropriate floor area and scale, which can be satisfactorily demonstrated to fall within the meaning of "essential facilities" within the green belt are likely to be considered as appropriate development. PPG2 advises that essential facilities should be genuinely required for the uses of land which preserve the openness of the green belt and do not conflict with the purposes of including land in it. The Guidance provides examples of such facilities as including small stables for outdoor sport and recreation. Policy GB5 of the Runnymede Borough Plan advises that the scale of any new building should be the minimum necessary to support the use.
- 5.3 The current owner of the land has been given the opportunity to submit a valid application for the erection of a maximum of 4 stables within the site and the erection of a hay barn with a total volume not to exceed 130 cubic metres, and not exceeding 4 metres in height. This pre-application advice has been given at officer level to support such a proposal providing that the existing unauthorised stables, caravan, mobile storage containers, portaloos and earth bund are permanently removed from the site. In addition, the applicant was requested to reduce the current level of hardstanding, so as to reduce the visual impact upon the Green Belt. Unfortunately a valid application has not been received by this authority within the prescribed time scales put forward by the local planning authority.
- 5.4 Following consultation with "Humberts" the Council's agricultural advisors under applications RU.03/0018, RU.03/0933 and RU.05/0010 they advised that in their opinion the land could accommodate a maximum of 4 horses. On this basis the above applications for the erection of 6 stables and an associated large hay barn were refused by the local planning authority.
- 5.5 It is not considered that the above unauthorised developments associated with the owner's use of the land for the keeping of polo horses are essential facilities, genuinely required for the use of the land. The unauthorised uses and developments which have occurred are considered to represent inappropriate development within this sensitive green belt location. The unauthorised operational development by reason of its scale, height and spread of development within the site fails to maintain openness and does conflict with the purposes of including land in the green belt. The visual amenities of the green belt are also considered to be injured by the unauthorised operational development.
- 5.6 The unauthorised change in use of the land for the keeping of polo ponies is an inappropriate and harmful development within the green belt by reason of an undesirable intensification and spread of uses within the site which would have a detrimental impact upon the openness and visual amenities of the green belt and would conflict with the purposes of the green belt.
- 5.7 For the reasons outlined above, it is recommended that the above unauthorised operational development and material changes of use cause considerable harm to a vulnerable and fragmented area of green belt, through inappropriateness, its reduction in openness, detrimental impact on visual amenities and urbanising encroachment. On this basis enforcement action is recommended to remove the unauthorised operational development and changes of use which have occurred within the site, and return the site to its original condition prior to the above contraventions.

6. Human Rights Act 1998 Considerations
- 6.1 Members will be aware that the European Convention on Human Rights secures certain fundamental human rights. The Human Rights Act 1998 came into force on 2nd October 2000 and enables individuals to invoke their convention rights. The Act makes it unlawful for a local authority to act in a way which is incompatible with a convention right.
- 6.2 The taking of enforcement action, including legal action, can amount to an interference with a person's rights under Article 8. Nonetheless such measures:
- are in accordance with the law;
 - pursue the legitimate aim of protecting the rights of others through preservation of the environment; and
 - may be necessary in a democratic society where the interference answers a pressing social need and in particular is proportionate to the legitimate aim pursued.
- 6.3 The proposed action can amount to an interference with the right under Article 1 of the First Protocol to the peaceful enjoyment of the property. Again, however, such interference is permissible if it is in accordance with the law and the public interest.
- 6.4 Article 8 of the Convention states:
- Right to respect for private and family life:
- Everyone has the right to respect for his private and family life, his home and his correspondence.”
- “There shall be no interference by a public authority with the exercise of this right except if such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the Country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.”
- 6.5 Article 1 of the First Protocol states:
- Protection of Property
- “Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.”
- “The preceding provisions shall not, however, in any way impair the right of the State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions as penalties.”
- 6.6 It is recognised that the enforcement action proposed in this report could amount to an interference with the landowner's property and his private and family life (which fall within the protection of and are consistent with the objective and purposes of Article 8). Those interests must be balanced against the public interest in pursuing the legitimate aims in Article 8.
- 6.7 The local planning authority has given advice to the owner and provided the owner with the opportunity for the submission of a valid planning application, in order to obtain a satisfactory form of development within this sensitive green belt location, and avoid the need for formal enforcement action. The owner however has failed to submit a valid application within the prescribed timescale for appropriate operational development and uses within the site.
- 6.8 In any event the interference with the owner's rights must be balanced against the public interest in pursuing the legitimate aims in Article 8 particularly the economic well-being of the country (which includes the preservation of the environment and the green belt).
- 6.9 Regard must be paid to the human rights detailed above and potential difficulties caused to the owner by the service of any statutory notices or the institution of any proceedings. Any

action authorised must be a proportionate remedy in the circumstances of the case. This must be balanced against the identified harm to the Green Belt.

7. Financial Considerations

- 7.1 If the Committee decide to take enforcement action and the applicant decides to exercise his right of appeal, this case is likely to be determined by a Public Inquiry. An Inquiry will incur costs which may require a supplementary estimate if the budgetary provision for such Inquiries is overspent.

OFFICERS' RECOMMENDATION that –

- (1) the Director of Administration and Leisure be authorised to issue Enforcement Notice(s) under Section 172 of the Town and Country Planning Act 1990 (as amended) requiring:**
- i) Cessation of the unauthorised change in the use of land for the keeping of polo ponies**
 - ii) the removal of the unauthorised stables, horse washing facilities and raised planter and the removal of all the resultant materials, debris and rubble from the site.**
 - iii) the removal of the caravan, mobile storage container, portaloo, and exercise track.**
- (2) the Director of Administration and Leisure be authorised to take appropriate action in carrying out necessary works or prosecution under Sections 178 and 179 of the Town and Country Planning Act 1990 in the event that these notice(s) once effective are not complied with.**

Reasons for Issuing Enforcement Notices

- 1. The unauthorised change in use of the land for the keeping of polo ponies is an inappropriate and harmful development within the green belt which results in an undesirable intensification and spread of uses within the site which would have a detrimental impact upon the openness and visual amenities of the green belt and would conflict with the purposes of the green belt contrary to advice contained within Planning Policy Guidance Note 2: Green Belts and conflicts with saved Policy L04 of the Surrey Structure Plan 2004 and saved Policies GB1 and NE10 of the Runnymede Borough Local Plan Second Alteration April 2001.**
- 2. The unauthorised stables, tack rooms, raised planter and horse washing facilities are not considered to be an essential facility for outdoor sport and recreation within this sensitive green belt location. The developments are inappropriate and harmful within the green belt which given the size, scale, design, layout, spread and intensification of development and associated uses within the site would have a detrimental impact upon the openness and visual amenities and would conflict with the purposes of the green belt contrary to advice contained within Planning Policy Guidance Note 2: Green Belts and conflicts with saved Policy L04 of the Surrey Structure Plan 2004 and saved Policies GB1 and NE10 of the Runnymede Borough Local Plan Second Alteration April 2001.**
- 3. The caravan, mobile storage container, portaloo, and exercise track related to the unauthorised use of the land for the keeping of polo ponies are an inappropriate and harmful**

development within the Green Belt which results in an undesirable intensification and spread of uses and development within the site which would have a detrimental impact upon the openness and visual amenities of the green belt and would conflict with the purposes of the green belt contrary to advice contained within Planning Policy Guidance Note 2: Green Belts and conflicts with saved Policy L04 of the Surrey Structure Plan 2004 and saved Policies GB1 and NE10 of the Runnymede Borough Local Plan Second Alteration April 2001.

- 4. The Planning Authority do not consider that very special circumstances have been put forward in order to justify the granting of planning permission, contrary to saved Policy L04 of the Surrey Structure Plan 2004, and saved Policies GB1 and NE10 of the Runnymede Borough Local Plan Second Alteration 2001, and advice contained within Planning Policy Guidance Note 2 : 'Green Belts'.**

(TO RESOLVE)

Background Papers

Planning application RU.03/0018
Planning application RU.03/0933
Letter to owner dated 15.10.07.
Enforcement report to Committee dated 28.11.07

9. PLANNING APPEAL DECISIONS IN 2007 (DTS)

1. Purpose of Report

- 1.1 **To inform the Committee of all planning appeal decisions received in 2007.**

2. Background Information

2.1 The percentage of appeals allowed is reported to this Committee as part of the Service Plan and is also a Best Value Performance Indicator (No. 204). The local target is to achieve no more than 20% allowed (80% therefore dismissed).

2.2 The BVPI excludes enforcement appeals, listed building and Certificate of Lawfulness appeals and appeals against non-determination of planning applications within specified timescales.

3. Report

- 3.1 Details of appeals are set out below:-

Total number of appeals	66
Percentage allowed	21%
Percentage dismissed	79%
Total appeals for BV204	53
Percentage allowed for BV204	23%
Percentage dismissed for BV204	77%

Other Appeals

10 enforcement appeals, 9 dismissed
1 non-determination appeal, dismissed
1 Listed Building Consent appeal, allowed
1 Certificate of Lawfulness appeal, dismissed

- 3.2 Determination of the original applications the subject of appeal were as follows:-

Determination	Number	Percentage
Delegated	29	44%
Planning Committee	32	48.5%
Delegated in Consultation with Chairman/Vice Chairman	4	6%
Non-determination	1	1.5%

- 3.3 From the total of 66 appeals, 41 were dealt with by written representations, 12 by Hearings and 13 by Public Inquiry.
- 3.4 The Planning Committee determined 32 applications which went to appeal in 2007 with a success rate of 87.5% (28 out of 32 appeals dismissed).
- 3.5 The applications determined under delegated powers had a success rate of 89.5% (26 out of 29 appeals dismissed).
- 3.6 The appeal success rate of the delegation in consultation with Chairman and Vice Chairman was 20% (1 out of 5 appeals dismissed).
- 3.7 The appeals determined in 2007 included 3 cases where the Planning Committee overturned Officers recommendations. Of these 3 decisions two were dismissed on appeal (Milton Park and 16-24 Bridge Road (full application) and one was allowed on appeal (16-24 Bridge Road (outline application)).

4. Conclusion

- 4.1 Runnymede continues to enjoy a high success rate of appeals, particularly in respect of enforcement work.
- 4.2 The local target of winning 80% of appeals is challenging, but the overall performance of 77% compares well given that the national average performance (albeit in 2005/06 which is the latest data available) was 67%.
- 4.3 Appeals are generally dealt with by the original Case Officer and can, especially where a Public Inquiry is involved, lead to a considerable amount of work.

(FOR INFORMATION)

Background Papers

None

10. APPEAL DECISIONS

The Planning Inspectorate has recently determined the appeals mentioned below. Appeal decisions (a) and (d) are available in the Members' Room for inspection. Appeal decisions (e) – (f) are attached at Appendices 'C' and 'D'.

	<u>Site/Development</u>	<u>Decision</u>
a)	Fairways and Dormy Lodge, Portnall Drive, Virginia Water – planning appeal regarding erection of two replacement dwellings and one detached garage (involving demolition of existing houses at Fairways and Dormy Lodge) (RU.07/0140)	DISMISSED
b)	Fairways, Portnall Drive, Virginia Water – planning appeal regarding erection of a replacement dwelling and detached garage (involving demolition of existing house) (RU.07/0066)	DISMISSED
c)	69, 71, 73, 75 Bridge Road, Chertsey – planning appeal regarding three apartment blocks of six apartments per block, total of 18 apartments (RU.07/0364)	DISMISSED

d)	42 Mead Lane, Chertsey – planning appeal regarding two storey side extension and single storey rear extension (RU.07/0188)	DISMISSED
e)	Ada’s Farm, Almnors Road, Lyne – enforcement appeal regarding siting of a mobile home in residential use	ALLOWED AND NOTICE QUASHED
f)	Hardwick Park, Hardwick Lane, Chertsey – planning appeal regarding conversion of first floor of existing agricultural barn to farm workers’ dwelling (RU.06/0576)	ALLOWED

(FOR INFORMATION)

Background Papers

Appeal decisions

11. PLANNING APPLICATIONS DETERMINED BY DIRECTOR OF TECHNICAL SERVICES (DTS)

A list of planning applications recently determined by the Director of Technical Services under his delegated powers is attached at Appendix 'E'. If Members have any particular matters they wish to raise, prior notice to the Chairman would be of assistance.

(FOR INFORMATION)

Background Papers

None

12. EXCLUSION OF PRESS AND PUBLIC

OFFICERS' RECOMMENDATION that -

the press and public be excluded from the meeting during discussion of the following reports under Section 100A(4) of the Local Government Act 1972 on the grounds that the report in question would be likely to involve disclosure of exempt information of the description specified in paragraph 3 of Part I of Schedule 12A of the Act.

(TO RESOLVE)

PART II

Matters involving Exempt or Confidential information in respect of which reports have not been made available for public inspection.

a) Exempt Information

13. DEVELOPMENT CONTROL APPEALS – TRENDS TARGETS AND FUTURE POLICY 12

14. WILLOW FARM, CHOBHAM ROAD, OTTERSHAW – FURTHER HIGH COURT PROCEEDINGS 16

b) Confidential Information

(No reports to be considered under this heading)