

# Planning Committee

**Wednesday 5 August 2009 7.30pm**

**Council Chamber  
Runnymede Civic Centre, Addlestone**

## Members of the Committee

Councillors G B Woodger (Chairman), D W Parr (Vice Chairman), J R Ashmore, Mrs F J Barden, J Broadhead, D A Cotty, J.M. Edwards, J R Furey, Mrs E Gill, C Knight, M T Kusneraitis, Mrs Y P Lay, H W V Meares, N Stewert and J J Wilson

## AGENDA

### Notes:

- 1) 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.
- 2) 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 Centre, Station Road, Addlestone (Tel: Direct Line: 01932 425620). (Email: [bernard.fleckney@runnymede.gov.uk](mailto:bernard.fleckney@runnymede.gov.uk)).**
- 3) 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](http://www.runnymede.gov.uk).
- 4) Public speaking on planning applications only is allowed at the Planning Committee. For details please contact the Administrative Section of the Technical Services Department. **(Tel Direct Line: 01932 425153)** or view the guidance on the Committee web page.
- 5) 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**

#### **Matters in respect of which reports have been made available for public inspection**

	<u>Page</u>
1. FIRE PRECAUTIONS	5
2. NOTIFICATION OF CHANGES TO COMMITTEE MEMBERSHIP	5
3. MINUTES	5
4. APOLOGIES FOR ABSENCE	5
5. DECLARATIONS OF INTEREST	5
6. PLANNING APPLICATIONS	5
7. THAMES BASIN HEATHS SPECIAL PROTECTION AREA: ACCESS MANAGEMENT AND MONITORING	6
8. BELLBOURNE NURSERIES, HURST LANE, VIRGINIA WATER – ENFORCEMENT	9
9. 40 CROCKFORD PARK ROAD, ADDLESTONE – ENFORCEMENT	14
10. PLANNING APPLICATIONS DETERMINED BY DIRECTOR OF TECHNICAL SERVICES	20
11. EXCLUSION OF PRESS AND PUBLIC	20

### **PART II**

#### **Matters involving Exempt or Confidential Information in respect of which reports have not been made available for public inspection**

- a) Exempt Information  
(No reports to be considered under this heading)
- b) Confidential Information  
(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

<b>TERM</b>	<b>EXPLANATION</b>
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
SANGS	Suitable Alternative Natural Greenspaces
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 meetings of the Committee held on 24 June and 15 July 2009 as a correct record, (Appendices A and B).

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 7.00pm 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)**

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

7. THAMES BASIN HEATHS SPECIAL PROTECTION AREA: ACCESS MANAGEMENT AND MONITORING (DTS)

1. Purpose of Report

1.1 The purpose of the report is to:

- **Confirm the collection of an access management and monitoring contribution from all housing development within the zone of influence of the Thames Basin Heaths Special Protection Area (TBHSPA);**
- **Re-introduce the 5km straight line distance from the TBHSPA as the zone of influence within which mitigation from new residential development is required: and**
- **Implement these changes from the 1 November 2009**

2. Background Information

2.1 The TBHSPA was classified as a SPA on the 9 March 2005, it comprises an area of semi-lowland heath and woodland and is a habitat protected under European and UK law. The Committee will recall that it adopted the Thames Basin Heaths Special Protection Area Interim Supplementary Planning Guidance at its meeting on 20 November 2007. This was adopted as interim guidance until such a time as they are integrated into the Local Development Framework. The purpose of the guidance is to enable housing development to take place in the Borough in the areas considered to affect the integrity of the TBHSPA.

2.2 The South East Plan predicts a significant rise in population from increased residential development within the boroughs and districts around the TBHSPA. This new population is likely to use the Special Protection Area for recreation purposes and, without avoidance and mitigation measures, it will damage the protected wildlife. Two measures – together - have been accepted as appropriate for Thames Basin Heaths mitigation:

- (i) The provision of Suitable Alternative Natural Greenspaces (SANGS), and
- (ii) Access (or visitor) Management co-ordinated across the whole of the publicly accessible Special Protection Area

2.3 It has been researched, debated and agreed through the South East Plan process that without alternative green space and better management of the new visitors, the Council will be unable to meet its commitments to legally protected wildlife, whilst permitting new residential development. This would leave the Council open to legal challenges should it grant permission for new residential development. Whilst SANGS can, in many cases, be secured and delivered by individual Councils or developers, access management and monitoring requires joint working by local authorities and land managers across the affected area.

3. Report

**Access Management and Monitoring**

3.1 Over the last 4 years, Council Officers and Members have been heavily engaged in the consultation process to determine a strategic approach to SPA mitigation, following the Assessor's Report on the South East Plan Examination in Public, and most recently, the South East Plan TBHSPA Policy NRM6 and accompanying Delivery Framework. The Assessor recommended that a strategic partnership was set up and a strategic document agreed. A Joint Strategic Partnership (JSP) was set up and this has approved the TBHSPA Delivery Framework.

3.2 The Thames Basin Heaths JSP provides the vehicle for joint working, liaison and exchange of information between the local authorities and other organisations affected by the TBH SPA and related planning or land management issues.

- 3.3 The avoidance and mitigation measures endorsed by the Assessor, recommended by the Delivery Framework (supported by the 11 Local Authorities) and set out in NRM6 include:
- A zone of influence set at 5km linear distance from the SPA boundary will be established where measures must be taken to ensure the integrity of the SPA is protected
  - Provision of alternative spaces for recreation, known as SANGS, to be secured at a standard of at least 8ha per 1000 residents
  - Joint working and collection of contributions to enable SPA-wide access management and monitoring
  - Presumption against new residential development within 400m of the SPA
- 3.4 The provision of SANGS is already being addressed by individual or groups of Local Authorities, for example through interim avoidance strategies (mini-plans) or Supplementary Planning Document. However, without complimentary access management work on the SPA, visitors may not be successfully diverted to the SANGS sites. It should be noted that whilst the Council's Supplementary Planning Guidance focuses solely on the provision of SANG (as an interim measure) both SANG and access management need to be implemented to be certain of avoiding impacts on the SPA.
- 3.5 The provision of SANGS has been successful in Runnymede where these improved areas for recreation have secured long term funding (i.e. in perpetuity) and provided new facilities for both new and existing residents without cost to the tax payer.
- 3.6 The Strategic Access Management and Monitoring Arrangements have been detailed in papers put to the Joint Strategic Partnership Board (Cllr Woodger Member representative) and a Business Plan (Appendix 'C'). The efficacy of this measure depends on the support of all 11 affected Local Authorities and will require the collection of an Access Management and Monitoring contribution, in addition to S106 monies collected for SANGS provision. The Access Management and Monitoring tariff has been calculated at £630 per dwelling and at that level will provide for SPA-wide access management in perpetuity. The funding generated from this scheme is a small proportion of the total monies required to maintain the Thames Basin Heaths SPA. This tariff has been specifically calculated to address the additional problems arising from the increasing population and the need to monitor and analyse the impacts across all areas of the SPA. It should be noted that this tariff would be *additional* to that already being collected for SANG.
- 3.7 Council support for implementing the strategic measures would have the following benefits:
- Approach is compliant with wording of draft South East Plan Policy NRM6, "*local authorities will collect developer contributions towards mitigation measures, including joint contributions to the funding of access management and monitoring the effects of mitigation measures across the SPA*".
  - Increases likelihood of Local Development Documents being considered sound and enables adoption with a conclusion of no adverse impact on the integrity of the SPA.
  - Access management on the SPA will demonstrate the Council's commitment to promoting and enhancing open spaces, providing high quality, sustainable communities which promote the health and well-being of residents through collective responsibility and green infrastructure provision.
  - Clear benefit in working jointly with other local authorities (LAs) to ensure that there is no adverse impact: not only will the strategic measures make certain that LAs are able to facilitate new development in compliance with the requirements of the EU Directive, but the Council can voluntarily support a joint scheme without having to produce a joint DPD.
  - The SPA/SANGS Monitoring would demonstrate the effectiveness of the mitigation and indicate where efforts should be focussed and maintained. It would also ensure there is value for money and consistency, provide a baseline, and a strategic picture.

There is no alternative scheme which would deliver the same benefits and be compliant with NRM6 or the agreed Thames Basin Heaths Delivery Framework.

- 3.8 It is recognised that introducing an additional S106 tariff at this time of economic uncertainty is not ideal. Council Officers acknowledge that implementing this charge could affect the amounts available for other S106 requirements. However, under this proposal all SPA-affected Local Authorities would collect the same access management and monitoring tariff.

#### **Zone of Influence**

- 3.9 The Borough Council has implemented a 5.2km driving distance from the SPA as the zone considered most likely to affect the integrity of the Thames Basin Heaths. Policy NRM6 of the South East Plan and the Thames Basin Heaths Delivery Framework confirm that authorities should use the 5km straight line distance from the edge of the SPA to be the zone of influence in which authorities should be seeking mitigation from new residential development. To bring the Council's procedures in line with the development plan we will need to reintroduce the 5km Straight line distance into our decision making. This extends the geographical area of the Borough which is affected (see appendix 'D'). A larger display copy will be available at the Committee meeting.

- 3.10 It is suggested that this change and the collection of Access Management and Monitoring money is enacted from the 1 November 2009. This will enable Developers and those seeking planning permission to be alerted to the change in policy approach ahead of implementation. The change in the zone of influence brings a wider area of the Borough within this area, requiring increased numbers of new residential developments to avoid and mitigate effect.

#### **4. Council Policy Issues and Sustainability**

- 4.1 The Sustainable Community Strategy 'Making it Happen' and the Planning Committee Service Plan set the context for the work on the LDF and its component parts. The interim SPG forms part of the emerging policy approach associated with the LDF. A full review of the Thames Basin Heaths Strategy will be presented to Committee later in the year to enable the Council and Natural England to review the capacity of the Council's SANGS so as to be in a better position of achieving the Council's annual housing requirement.

#### **5. Legal Issues**

- 5.1 Avoiding and mitigating effect on the TBHSPA is a legal requirement of the Council as the competent body charged with protecting the integrity of this designation. Access Management, Monitoring and the provision of SANGS is part of a three pronged approach which has been accepted by Natural England and the affected local authorities as a way of protecting the integrity of the TBHSPA.

#### **6. Equality Issues**

- 6.1 The issues considered in the SPG's do not have an impact on equality issues.

#### **7. Resources**

- 7.1 The contributions towards SANGS which the Council currently collects (£2000 per net additional unit) goes towards the upgrading of the Council's identified SANGS, administering this process, surveying SANG capacity, managing works and an endowment. This money is currently paid directly to the Council. The additional £630 for Access Management and Monitoring will be collected by the Council but will be paid to Hampshire County Council who will administer this money for all of the authorities and pay this to Natural England to undertake the access management and monitoring work. To enable this, the Council (along with all of the other affected authorities) will need to enter into a memorandum of agreement with Hampshire County Council and Natural England for this to take place. This agreement is yet to be received by the Council.

#### **8. Conclusion**

- 8.1 The Introduction of the Access Management and Monitoring Tariff and the reintroduction of the 5km straight line distance from the TBHSPA will form essential parts of the Councils

approach to mitigating impact on the integrity of the TBHSPA. Introducing these two elements to the Council's strategy will bring us into line with the other affected Councils in the area and ensure that our avoidance and mitigation package will protect the TBHSPA.

**OFFICERS' RECOMMENDATION that -**

- (i) the Council seek an additional £630 from every additional new house within the zone of influence of the Thames Basin Heaths Special Protection Area;**
- (ii) the Council revert to the 5km straight line distance from the TBHSPA as the zone of influence replacing the current 5.2km driving distance; and**
- (iii) the Council implement these changes from 1 November 2009.**

**(TO RESOLVE)**

Background Papers

None

8. BELLBOURNE NURSERIES, HURST LANE, VIRGINIA WATER – ENFORCEMENT (DTS)

1. Purpose of Report

- 1.1 **To seek authority for enforcement action in respect of the unauthorised material change of use of land for the storage of storage containers or secure site offices.**

2. Site description

2.1 The site is located and accessed off the eastern side of Hurst Lane near to its junction with Stroude Road but to the rear of Hogsters Farm, Stroude Road. The site is roughly rectangular in shape of some 0.56 hectares as shown on Appendix 'E'.

2.2 The site has been subdivided into two sections with a company called 'Flower Fete' occupying the front southern part of the site and a company called 'Chertsey Commercials' occupying the northern rear part of the site.

2.3 The site falls within the designated Green Belt, a Landscape Problem Area and is a designated minerals site.

3. Site History

3.1 The site originally formed part of Hogsters Farm but is now a separate unit. The site was originally a market garden which commenced in 1934.

3.2 Outline consent was granted in February 1986 for the replacement of glasshouses on the site to be used for growing plants on the site for wholesale distribution (RU.86/0023).

3.3 Planning permission was granted in August 1986 for the erection of two glasshouses (RU.86/0812).

3.4 Temporary planning permission was granted in September 1986 for the siting of two portacabins in connection with growing plants in adjacent glasshouse for a temporary period of two years (RU.86/0813).

3.5 Planning permission was granted for the temporary erection of controlled temperature store for storage of plants for a period of 10 years in November 1988 (RU.88/0523).

3.6 Planning permission was granted in December 1988 for the continued use of two portacabins for use in connection with growing plants in adjacent glasshouses for further temporary period (RU.88/1305).

- 3.7 Planning permission was refused in October 1989 for the change of use of redundant agricultural buildings to temporary storage (RU.89/0913).
- 3.8 Planning permission was refused in November 1989 for the extension of the controlled temperature store for the storage of plants in November 1989 (RU.89/1078).
- 3.9 A further temporary planning permission was granted in March 1991 for the retention of two existing portacabins in connection with growing plants in adjacent glasshouses (RU.91/0162)
- 3.10 A certificate of proposed lawfulness was granted in February 1993 for the use of the site for the storage, distribution and sale of imported plants (RU.93/0031)
- 3.11 Planning permission was granted in October 1995 for the permanent retention of the cold store granted temporary consent in 1988 (RU.95/0806).
- 3.12 Retrospective planning permission was granted in October 1995 for the part use of the site for the importation, storage and distribution of flowers and plants not nurtured on the holding together with ancillary horticultural products (RU.95/0807).
- 3.13 A further temporary permission was granted for the retention of seven portacabins for a period of 3 years in connection with the horticultural use of the site in October 1995 (RU.95/0808).

#### 4. Unauthorised Development

- 4.1 A complaint was received in January 2009 regarding the siting of storage containers/secure site offices on land at the rear of Flowers Fete (formerly Bellbourne Nursery).
- 4.2 An enforcement officer visited the site on 26 January 2009. It was noted at this time that the site has been subdivided into two parts with the southern part of the site including a building on the frontage of the site being retained in an authorised horticultural use. However, the rear northern part of the site surrounding the disused glasshouses was being used for the storage of containers/site offices. The occupier of the site advised that the site had been in use for the storage of containers for 10 years and was therefore lawful in planning terms. He declined to submit an application for a certificate of existing lawfulness and referred the enforcement officer to the land owner.
- 4.3 A letter was sent to the owner and the occupier of the site on 2 March 2009 advising that no planning permission exists for the use of the site for the storage of containers/site offices and that whilst the occupier had informed the enforcement officer that the use had existed for 10 years the Council could find no evidence to suggest that the use had existed for anything more than a few months. The owner was advised to cease the unauthorised use of the site and to remove all the containers/site offices from the site within 21 days otherwise the Council would have no alternative other than to issue an Enforcement Notice.
- 4.4 During a telephone conversation between the enforcement officer and the occupier on 13 March 2009, it was agreed that the double stacked containers/site offices be removed and planning permission applied for to retain the singularly stacked containers/site offices stored on the site including the demolition of some of the existing unused buildings/structures. The enforcement officer advised that the outcome of such an application could not be guaranteed and invited the occupier to submit very special circumstances in support of the application.
- 4.5 A further letter dated 21 April 2009 was sent to the owner and the occupier of the site requesting an application, as no application had been submitted and the containers/site offices remained double stacked on the site.
- 4.6 A further site inspection carried out by Council Officers on 11 May 2009 noted some 120 containers/site offices double stacked on the site at the rear of and to the side of the unused glasshouses. Each container measures approximately 3 metres by 6 metres and is approximately 2.5 metres high (see photographs attached as Appendix 'F'). The occupier of the site advised that 5 containers/site offices had been moved off the site in the last week and more would be moved off over the next 6 weeks and only single stacked containers/site offices would be left. The occupier of the site further advised that the land owner would be submitting an application within 2 weeks and that the delay had been caused by the land owner being ill.

- 4.7 No application has been submitted to date and the majority of the double stacked containers/site offices were still located on the site at the time of the writing of this report.
- 4.8 As a result, authority to institute enforcement action to cease the unauthorised use of the site including the removal of all containers/site offices is now sought.
5. Planning Considerations
- 5.1 Section 55 of the Town and Country Planning Act 1990 advises that the statutory definition of development includes the carrying out of building, engineering and other operations, and the making of any material change in the use of land.
- 5.2 The site lies within the Green Belt. Planning Policy Guidance Note 2: Green Belts (PPG2) states that the fundamental aim is to prevent urban sprawl by keeping land permanently open and the most important attribute of Green Belts is their openness. PPG2 also states that there is a general presumption against inappropriate development within Green Belts which is, by definition, harmful. Such development should not be approved except in very special circumstances.
- 5.3 Paragraph 3.4 of PPG2 advises what development is inappropriate in the Green Belt. There is a general presumption against inappropriate development in the Green Belt. Paragraph 3.12 of PPG2 advises that the use of land for a particular use is inappropriate development unless the use of land maintains the openness of the Green Belt and does not conflict with the purposes of including land in the Green Belt.
- 5.4 In addition paragraph 3.15 of PPG2 states that "the visual amenities of the Green Belt should not be injured by proposals for development within or conspicuous from the Green Belt which although they would not prejudice the purposes of including land in Green Belts, might be visually detrimental by reason of their siting, materials or design".
- 5.5 Saved Local Plan Policy GB1 of the Local Plan reaffirms that there is a strong presumption against development that would conflict with the purposes of the Green Belt or adversely affect its open character. Saved Local Plan Policy NE10 also identifies this area as a Landscape Problem Area where land has become fragmented and sporadic and untidy development have placed further pressure on the area.
- 5.6 Prior to the unauthorised change of use for the storage of containers and site offices, the buildings on part of the site appear to have been used in connection with the authorised horticultural business on the southern part of the land. The change of use of the site for the storage of some 120 containers/secure site offices which are often double-stacked (up to 5 metres in height) and which are clearly visible from Stroude Road has resulted in an intensification of the use of the land and by reason of their siting, height and appearance, are considered to be detrimental to the openness and visual amenities of the Green Belt.
- 5.7 PPG2 states that the onus is on the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations. The land owner and occupier of the site have not disclosed any very special circumstances or potential very special circumstances to Officers. It is therefore concluded that planning permission would not be granted for the unauthorised change of use.
- 5.8 The issue of whether the alleged breach of planning control is in fact lawful has been investigated by Enforcement Officers. For a change of use to be considered lawful it must be demonstrated that on the balance of probabilities there has been 10 years of continuous usage at the site. Aerial photographs of the site in 2003 clearly shows the area where the container/site offices are stored to be covered in grass with no apparent storage container/site offices present on the land at that time.
- 5.9 In an aerial photograph taken on 5 April 2006 there appears to be hardstanding over the area previously shown to be grass in the 2003 aerial photographs. There are however no store containers/site offices visible on the land in question.

- 5.10 Further aerial photographs taken on 21 March 2007 and in January 2008 again show the site to have a few lorries parked on the area of hardstanding but no storage containers/site offices are visible on the land. Given that the aerial photographs which have been taken of the site over a period of 6 years do not show the siting of storage container/site offices at the level at present or in the position they are at present, it is reasonable to conclude that such a use has not existed for a continuous period of 10 years and as such cannot be lawful. Neither the owner or occupier has submitted any details to contradict this conclusion.
- 5.11 The unauthorised hardstanding is classed as an operational development which has to be formed for more than 4 years to be lawful and immune from enforcement action. From the aerial photographs the hardstanding was created some time between 2003 and 2006. In this instance, given the lack of any further evidence to confirm the precise date for the creation of the hardstanding it is considered unwise to pursue formal enforcement action for the hardstanding as the Council cannot prove it is unlawful without further evidence.
- 5.12 There is no evidence to prove that the storage containers/secure site offices have been stored on this site for 10 years. The use is therefore considered to be unlawful and unauthorised and contrary to Green Belt policy.
6. Enforcement Considerations
- 6.1 In the event that the Committee agree with the Officer's conclusions in section 5 of this report, Members need to consider the possibility of taking enforcement action to cease the unauthorised use of the site.
- 6.2 Planning Policy Guidance Note 18: 'Enforcing Planning Control' (PPG18) indicates that in considering any enforcement action, the decisive issue should be whether the breach would unacceptably affect public amenity or the existing use of the land meriting protection in the public interest.
- 6.3 The decision as to whether or not it is expedient to take formal enforcement action is at the Planning Authority's sole discretion but regard must be had to planning policies and the circumstances of the planning breach. The decision must not be unreasonable, i.e. based on irrational factors, taken without proper consideration of the relevant facts and planning issues, or based on non-planning grounds.
- 6.4 The site lies within the designated Green Belt where there is a strong presumption against inappropriate development as set out at paragraphs 5.2 to 5.5 above. Paragraph 3.8 of PPG2 in connection with the reuse of buildings inside a Green Belt is not inappropriate development providing there is strict control over any associated uses of land surrounding the building which might conflict with the openness of the Green Belt and the purposes of including land in it. Paragraph 3.8(b) gives examples such as extensive external storage which might conflict with the openness of the Green Belt.
- 6.5 There has been a material change in the use of the site from a nil planning use and from horticulture use including the importation, storage and distribution of flowers and plants to the storage of containers and site offices. This unauthorised material change of use has resulted in the storage of containers and site offices (often double stacked) across the site onto an area of open land resulting in the intensification of the use of the land which is clearly visible from Stroude Road. The unauthorised change of use has resulted in an undesirable spread of development within the Green Belt and at a scale which has a detrimental impact on the openness and visual amenities of the Green Belt.
- 6.6 The unauthorised change of use is contrary to saved policy GB1 of the Local Plan, policies LF1 and SP5 of the South East Plan and PPG2.
- 6.7 PPG2 states that it is for the applicant to show why planning permission should be granted. In order to do so the applicant must show the factors in favour of the development clearly outweigh the harm to the Green Belt and any other harm. The owner and occupier of the site has not put forward any very special circumstances to overcome the harm to the Green Belt.
- 6.8 In this instance, Government Guidance stated in PPG2 : 'Green Belts' and reflected in the saved Development Plan policies are clear and concise. The relevant PPG2 guidance and planning policies resist the change of use of the site for the storage of containers and site

offices. For the reasons explained above such development is an inappropriate and harmful development within the Green Belt for which no very special circumstances currently exist. It is therefore considered expedient to take enforcement action seeking the cessation of the unauthorised use of the site for the storage of containers/secure site offices.

7 Human Rights Act 1998 Considerations

7.1 The Committee is reminded of the European Convention on Human Rights Article 8, the right to respect for private and family life and the home and Article 1 of the First Protocol, the right to peaceful enjoyment of possessions. Any interference with those rights must be in accordance with the law, proportionate and necessary in a democratic society. The Committee must not act in a way, which is incompatible with convention rights. Members must balance the interference with the rights, which taking enforcement action would represent, and the interest of the public in protecting the openness of the Green Belt.

7.2 the taking of enforcement action can amount to an interference with a person's rights. Nonetheless, such measures can be taken if they:

- are in accordance with the law;
- pursue the legitimate aim of protecting the rights of others through preservation of the environment; and
- are necessary in a democratic society where the interference answers a pressing social need and in particular is proportionate to the legitimate aim.

8. Financial Considerations

8.1 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.

9. Conclusion

9.1 Members must fully and fairly balance the considerations referred to in this report when deciding to authorise any of the actions referred to in Sections 5 and 6 to bring an end to the continuing breaches of planning control. Members will wish to have regard to the human rights issues detailed in Section 7 and will wish to consider whether the action they authorise is a proportionate remedy in all the circumstances of the case.

9.2 In view of the owner's apparent refusal to comply with planning legislation and continued breaches thereof, Officers consider that further action is necessary to secure a cessation of the current breach of planning control and prevention of any further breaches of planning control in the future.

9.3 The Committee is requested to consider all the facts and the issues in relation to this case and determine whether further legal action is both reasonable, compatible with the Human Rights Act 1998, proportionate to the legitimate aim being pursued, and necessary to bring about the cessation of the continuing breaches of planning control and prevention of further breaches of planning control.

**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;**
  - a) The cessation of the unauthorised use of the land for the storage of containers/secure site offices;**
  - b) The permanent removal of the storage containers/secure site offices from the site.**
- (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 of use of the land to the storage of containers/site offices by reason of their height, design, siting and appearance is inappropriate and harmful development in the Green Belt producing hard and unsightly features which are detrimental to the openness and the visual amenities of the Green Belt and conflicts with the purposes of including land in the Green Belt. This is contrary to policies LF1 and SP5 of the South East Plan 2009, saved Policies GB1 and GB13 of the Runnymede Borough Local Plan Second Alteration April 2001 and advice contained within Planning Policy Guidance Note 2: Green Belts.**
- 2. The applicant has failed to demonstrate that any very special circumstances exist which outweigh the harm to the Green Belt caused by this inappropriate and harmful development and is contrary to policies LF1 and SP5 of the South East Plan 2009, saved Policies GB1 and GB13 of the Runnymede Borough Local Plan Second Alteration April 2001 and advice contained with Planning Policy Guidance Note 2: Green Belts.**

**(TO RESOLVE)**

Background Papers

Exempt

9. 40 CROCKFORD PARK ROAD, ADDLESTONE – ENFORCEMENT (DTS)

1. Purpose of Report

- 1.1 **To seek authority for enforcement action on land at No. 40 Crockford Park Road, Addlestone, Surrey in respect of a change of use of the land for the siting of a mobile unit in residential use.**

2. Site description

- 2.1 The site comprises a 0.8 hectre (2.2 acres) area of land located on the eastern side of Crockford Park Road accessed via a single driveway between Nos. 38 and 42. There is at present a single two storey residential dwelling located in the middle of the site and the mobile unit the subject of this report located adjacent to the north-eastern boundary of the site. The site was formally known as Crockford Park Nursery. A site plan is at Appendix 'G'.
- 2.2 The site lies within the designated Green Belt and within high and medium flood risk zones; (2 and 3)

3. Site History

- 3.1 The site has an extensive planning history as well as enforcement history. The planning applications most relevant to this report are listed below.

Planning History

- 3.2 RU.01/1195 - Erection of a two storey detached dwelling following the demolition of existing. Refused 06/12/2001
- 3.3 RU.01/1408 - Erection of a two storey detached dwelling following demolition of existing. Granted 20/02/2002

- 3.4 RU.02/0568 - Demolition of existing dwelling and erection of replacement dwelling. Granted 21/06/2002
- 3.5 RU.04/0192 - Erection of one detached dwelling house and double garage (Outline). Granted 30/12/2004
- 3.6 RU.07/0822 - Reserved Matters application following the granting of outline planning permission RU.04/0192 for the erection of one detached dwelling and double garage. Granted 07/09/2007 (the dwelling is yet to be built)

#### Enforcement History

- 3.7 In 2003, following a number of complaints that significant physical developments had been carried out on the land along with significantly increased vehicle movements to and from the site and storage of vehicles, a site visit was made and a number of breaches of planning control found. A Planning Contravention Notice (PCN) was served and following a response to this a report was prepared for the Planning Committee seeking authority to serve Enforcement Notices.
- 3.8 On 3 December 2003 authority was given by the Planning Committee to serve Enforcement Notices in relation to the following breaches at 40 Crockford Park Road;
- 1) Unauthorised operational development in construction of two unauthorised green metal clad sheds, a brick wall and hardstanding.
  - 2) Unauthorised material change of use of land or premises to siting of a portacabin and parking and/or storage of trailers, lorry cabs, commercial vehicles, buses and the storage of materials and equipment in connection with or ancillary to the commercial and/or industrial use of the site.
- 3.9 The Enforcement Notices were issued and served on 5 April 2004. The landowner appealed against the serving of the Notices. The appeal was dismissed and the Enforcement Notices upheld in October 2004. Whilst the unauthorised change of use notice was complied with, the operational development notice was not complied with.
- 3.10 The land owner was prosecuted on 12 December 2008 for non-compliance with the above stated enforcement notice relating to the unauthorised erection of buildings and hardstanding. He pleaded guilty to the offence and was fined £500 with costs of £175. The enforcement notice has now been fully complied with.
- 3.11 On 11 December 2008, a further PCN was served on the owner of the site in relation to an alleged breach of planning control relating to the unauthorised siting of a mobile home/residential unit and hard surfacing. A response was received on 31 December 2008 from the owner of the site who stated that the mobile unit was being used for residential purposes.

#### 4. Unauthorised Development

- 4.1 Upon investigating the non-compliance with the Enforcement Notice set out in sections 3.9 & 3.10 of this report it was noted that a mobile unit had been brought onto the site and was being used as residential accommodation. In addition to this, it appeared that a driveway had been constructed connecting the mobile unit to the site entrance allowing vehicular access to the north-eastern part of the site where the mobile unit is situated.
- 4.2 As noted in the Enforcement History section above a PCN was served on the owner of the site on 11 December 2008 which obliged him to answer a number of questions in relation to the alleged breaches of planning control.
- 4.3 In responding to the PCN on 31 December 2008, the owner stated that the mobile unit is used for residential purposes and there is currently a tenant occupying the mobile unit who has been there since November 2008. Rent is paid weekly to the land owner. The land owner also stated that the mobile unit had been on site and occupied since 2000 with the additional hardstanding being constructed at the same time. The owner also confirmed through the PCN that the mobile residential unit is not occupied by a gypsy traveller or travelling show person.
- 4.4 A site visit was undertaken in the presence of the land owner on 20 January 2009 to view the mobile residential unit. At this point the land owner stated that the mobile residential unit was in

fact lawful in planning terms and it was therefore agreed that the owner would submit an application for a Certificate of Existing Lawful Use. A letter was sent to the owner on 21 January 2009 confirming what was said at the site meeting and requesting the application. No such application was received so a further letter giving the owner 14 days in which to submit the application was sent on the 9 March 2009. To date no valid application for a Certificate of Existing Lawful Use has been received.

#### Whether Mobile Unit is Lawful

- 4.5 During the site visit of 20 January 2009 a number of photographs were taken and checks carried out to the mobile unit in residential use. Photographs of the mobile unit are shown in Appendix 'H' to this report.
- 4.6 The view is taken that the mobile residential unit should clearly be considered as a caravan/mobile unit. With regard to the permanence of the unit, whilst the wheels of the unit have been removed it is sited on the land via pillars to support the wheel axels and the caravan legs attached to the unit which rest on timber blocks. Once wheels are re-attached and extendable side panels retracted, it could easily be towed from the site as the tow bar is still present.
- 4.7 In view of the mobile nature of the residential unit in planning terms a material change in the use of the land has therefore occurred 'to the siting of a mobile unit in residential use'. For this material change of use to be considered lawful it must be demonstrated that on the balance of probabilities there has been 10 years of continuous usage at the site.
- 4.8 The only evidence the owner has submitted in relation to the question of whether or not the mobile unit is lawful are the answers to the questions posed within the PCN returned on 31 December 2008. The owner stated that the mobile unit was brought onto the site in 2000 when he purchased the land. Therefore by the admission of the owner, this is within the 10 years period required for it to be lawful.
- 4.9 There is doubt however as to when the mobile unit was brought onto the site. A site visit by the enforcement section in mid-2003 and subsequent Planning Contravention Notice whilst noting a number of trailers being stored on the site, noted no mobile unit in residential use at the site. An Enforcement Officer also visited the site in April 2004 to serve Enforcement Notices and did not note a mobile unit in residential use at the site. Aerial photographs taken in April 2006 however confirm that the mobile unit and additional hardstanding were present on the site at this time. It could therefore be reasonably concluded that the mobile unit in residential use was brought on to the site sometime between April 2004 and April 2006 and as such on the balance of probability cannot be considered lawful under the 10 year period. A breach of planning control has therefore occurred.

#### Whether the Hardstanding is Lawful

- 4.10 The construction/laying of a hardstanding can be described as an engineering operation which constitutes development. For any such hardstanding to be considered lawful it must be demonstrated that on the balance of probabilities that it has been in place on site for a period of 4 years.
- 4.11 As set out in paragraph 4.3 of this report the owner maintains that the hardstanding has been in place since 2000. Aerial photographs taken in June 2003 appear to show the hardstanding not to be present in the current location. The photograph does however appear to show a number of buildings around the area of hardstanding which have since been demolished. Aerial photographs of the site taken on 5 April 2006 do, however, appear to show the hardstanding to be present on the site, thus confirming that it has been there for at least 3 years.
- 4.12 Given the evidence available to the Council in relation to the hardstanding it is not clear whether or not the hardstanding has been in place for 4 years. In this instance, therefore, given the lack of any further evidence to confirm the precise date for the creation of the hardstanding it is considered unwise to pursue formal enforcement action for the hardstanding as the Council cannot prove that it is unlawful without further evidence.

#### 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 the 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. This advice is reflected in saved Policy GB1 of the Runnymede Borough Local Plan Second Alteration April 2001 which states that there will be a strong presumption against development that would conflict with the purposes of the Green Belt or adversely affect its open character.

- 5.2 The current mobile home on site is a self contained unit which comprises kitchen/living/dining area, 2no. x bedrooms and a bathroom and it would constitute an additional dwelling in the Green Belt. Paragraph 3.12 of PPG2 states that "the making of 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 mobile home does not maintain the openness of the Green Belt as the mobile unit itself is an additional structure on the land in the Green Belt and this additional structure also results in the encroachment of the countryside by increasing the spread of development on this Green Belt land. The mobile home does not maintain the openness of the Green Belt and conflicts with the purposes of including land within the Green Belt. Therefore, the siting of the mobile unit on the land constitutes inappropriate development in the Green Belt which is by definition harmful.
- 5.3 In such situations very special circumstances need to be demonstrated to overcome the harm to the Green Belt. The onus is on any applicant or landowner to demonstrate very special circumstances. No such very special circumstances have been put forward by the landowner and in this case there does not appear to be any very special circumstances to justify the retention of the mobile residential unit on the site. The mobile residential unit, according to the owner, is not occupied by a gypsy traveller or travelling show person.
- 5.4 The mobile unit in residential use is considered to be inappropriate development in the Green Belt which is detrimental to the openness of the Green Belt. The mobile residential unit is also considered to be detrimental to the visual amenities of the Green Belt, by reason of its appearance and also the resulting domestication of the land immediately around the caravan area. The mobile residential unit is therefore considered to be contrary to saved Local Plan Policy GB1 and the advice contained in Planning Policy Guidance Note 2: Green Belts.
- 5.5 The Environment Agency has been consulted on the breach of planning control and has advised that the caravan/mobile residential unit has been sited on land within Flood Zone 3 (high risk zone). A caravan/mobile unit is defined as a highly vulnerable use in Planning Policy Statement 25: Development and Flood Risk and advises that such uses/structures should not be sited in Flood Zone 3 (high risk zone). In addition, the Sequential Approach for the siting of the caravan/mobile unit has not been considered and no Flood Risk Assessment has been provided for the siting of the caravan/mobile unit. The Environment Agency has advised that if the proposals were submitted as a planning application then they would object as the siting of a caravan/mobile unit in Flood Zone 3 would represent an increase in residences and built footprint in the flood plain resulting in a loss of flood plain storage and potentially flow routes. This would represent an increase in flood risk to people and property both on the site and in the surrounding area. Therefore, having regard to the objection of the Environment Agency, the mobile residential unit is contrary to saved Local Plan Policy SV2 and the advice contained in Planning Policy Statement 25: Development and Flood Risk

## 6. Enforcement Considerations

- 6.1 It is considered that the mobile home is unlawful and is contrary to green belt and flooding policies. If the Committee agrees with these conclusions, members need to consider the possibility of taking enforcement action to cease the unauthorised use of the site.
- 6.2 Planning Policy Guidance Note 18 : 'Enforcing Planning Control' (PPG18) indicates that in considering any enforcement action, the decisive issue should be whether the breach would unacceptably affect public amenity or the existing use of the land meriting protection in the public interest. The decision as to whether or not it is expedient to take formal enforcement action is at the Planning Authority's sole discretion but regard must be had to planning policies and the circumstances of the planning breach. The decision must not be unreasonable or taken without proper consideration of the relevant facts and planning issues, or based on non-planning grounds.
- 6.3 As set out in Section 5 above, the unauthorised mobile home lies within the Green Belt and the high risk flood plain (Zone 3). The unauthorised mobile home constitutes inappropriate development and harmful development in the Green Belt which is detrimental to the openness and

visual amenities of the Green Belt. The unauthorised mobile home in residential use is a highly vulnerable development in the high risk flood plain which is contrary to the adopted flooding policies. No very special circumstances have been submitted and Officers are not aware of any very special circumstances that would overcome the harm caused to the Green Belt or any other harm caused by this unauthorised development.

6.4 It is therefore considered expedient and necessary to take enforcement action to remedy the detriment to the openness and visual amenities of the Green Belt and the harm caused to the flood plain. Enforcement action is therefore recommended to cease the unauthorised use, remove the mobile home from the land and remove any resultant paraphernalia, debris, rubble and materials from the site.

## 7. Human Rights Act 1998 Considerations

7.1 The Committee is reminded of the European Convention on Human Rights Article 8, the right to respect for private and family life and the home and Article 1 of the First Protocol, the right to peaceful enjoyment of possessions. Any interference with those rights must be in accordance with the law, proportionate and necessary in a democratic society. The Committee must not act in a way, which is incompatible with convention rights. Members must balance the interference with the rights, which taking enforcement action would represent, and the interest of the public in protecting the openness of the Green Belt.

7.2 the taking of enforcement action can amount to an interference with a person's rights. Nonetheless, such measures can be taken if they:

- are in accordance with the law;
- pursue the legitimate aim of protecting the rights of others through preservation of the environment; and
- are necessary in a democratic society where the interference answers a pressing social need and in particular is proportionate to the legitimate aim.

## 8. Equalities Issues

8.1 No equalities issues have been identified.

## 9. Financial Considerations

9.1 If the Committee decides 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.

## 10. Conclusion

10.1 Members must fully and fairly balance the considerations referred to in this report when deciding to authorise any of the actions referred to in Sections 5, 6, 7, 8 and 9 to bring an end to the continuing breaches of planning control. Members will wish to have regard to the human rights issues detailed in Section 7 and will wish to consider whether the action they authorise is a proportionate remedy in all the circumstances of the case.

10.2 Members must take into account all the considerations material to this case. On the one hand there are the personal circumstances of the resident of the caravan and land owner of the site, the likely distress and difficulties caused by the service of any statutory notices on the instigation of any proceedings and the convention rights of the owner, his family and any people renting the mobile home. On the other hand there is the significant harm to the rural character, appearance and open nature of the locality contrary to the main aims and objectives of the area's Green Belt designation and the flood plain.

10.3 In view of the land owner's continued refusal to comply planning legislation and continued breaches thereof, Officers consider that further action is necessary to secure a cessation of the current breaches of planning control.

10.4 The Committee is requested to consider all the facts and the issues in relation to this case and determine whether further legal action is both reasonable, compatible with the Human Rights Act 1998, proportionate to the legitimate aim being pursued, and necessary to bring about the

cessation of the continuing breaches of planning control and prevention of further breaches of planning control.

**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:**
  - 1. the use of the site for the siting of a mobile unit in residential use ceases;**
  - 2. the mobile unit in residential use be removed from the site;**
  - 3. the removal of any decorative fencing, domestic paraphernalia, resultant debris, rubble and materials from the site as a result of the removal of the mobile unit in residential use, and**
  - 4. return of the land to its original condition.**
  
- (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.**

**Reason for Issuing Enforcement Notices**

- 1. The siting of a mobile unit in residential use, the decorative fencing and domestic paraphernalia represents an inappropriate and harmful development in the Green Belt which would be prominent and detrimental to the openness and the visual amenities of the Green Belt and would conflict with the purposes of including land within the Green Belt, contrary to Policies LF1 and SP5 of the South East Plan 2009, saved Policy GB1 of the Runnymede Borough Local Plan Second Alteration April 2001 and the advice contained in Planning Policy Guidance Note 2: Green Belts.**
  
- 2. The Planning Authority do not consider that very special circumstances have been put forward in support of the siting of a mobile unit in residential use to justify the granting of planning permission contrary to Policies LF1 and SP5 of the South East Plan 2009, saved Policy GB6 of the Runnymede Borough Local Plan Second Alteration April 2001 and advice contained in Planning Policy Guidance Note 2: Green Belts.**
  
- 3. The site lies within Flood Zone 3 (high risk zone) as shown on the maps held by the Environment Agency. A caravan/mobile unit in residential use is classed as a highly vulnerable land use in Planning Policy Statement 25: Development and Flood Risk and should not be located in Flood Zone 3. No Sequential Approach or Exceptions Test has been considered and no Flood Risk Assessment has been provided for the development. The siting of a caravan/mobile unit in residential use in Flood Zone 3 represents an increase in residences and structures in the flood plain resulting in a loss of flood plain storage and potentially flow routes. As such this represents an increase in flood risk to people and property both on the site and in the surrounding area, contrary to saved Policy SV2 of the Runnymede Borough Local Plan Second Alteration April 2001 and the advice contained in Planning Policy Statement 25: Development and Flood Risk.**

**(TO RESOLVE)**

Background Papers

Exempt.

10. 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 'I'. If Members have any particular matters they wish to raise, prior notice to the Chairman would be of assistance.

**(FOR INFORMATION)**

Background Papers

None

11. EXCLUSION OF PRESS AND PUBLIC

If the Committee is minded to consider any of the foregoing reports in private it is the

**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 appropriate paragraphs 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

(No reports to be considered under this heading)

b) Confidential Information

(No reports to be considered under this heading)