

Planning Committee

Wednesday 9 December 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, R J Edis, J.M. Edwards, J R Furey, Mrs E Gill, C Knight, M T Kusneraitis, Mrs Y P Lay, H W V Meares 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).**
- 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.
- 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

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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

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
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 meeting of the Committee held on 11 November 2009 as a correct record, (Appendix 'A').

4. APOLOGIES FOR ABSENCE

5. DECLARATIONS OF INTEREST

If Members have an interest in an agenda item please record the interest on the orange coloured 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 (DTS)

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)

Background Papers

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

7. SURREY MINERALS PLAN (DTS)

1. Purpose of Report

1.1 **The purpose of this report is to seek the views of the Committee on the:**

- **Surrey Minerals Plan Core Strategy – Submission Document (CS) – Doc 1**
- **Surrey Minerals Plan – Primary Aggregates Development Plan Document (PADPD) Doc 2**
- **Surrey Minerals Plan – Minerals Site Restoration Supplementary Planning Document (SPD) – Doc 3**
- **Aggregates Recycling – Minerals and Waste Development Plan Document (DPD) – Doc 4**

2. Background Information

2.1 The County Council has invited comments on two sets of documents relating to the Surrey Minerals Plan:

First set, comprising the Core Strategy and Primary Aggregates Development Plan Documents for submission to the Secretary of State (Doc1 and Doc 2).

Second set, comprising the Minerals Site Restoration and Aggregates Recycling Joint DPD for Minerals and Waste Plans (Doc 3 and Doc 4).

For the first set of documents views are invited as to whether the documents are legally compliant and sound. With regard to the second set of documents, technical comments are invited. The County Council propose to submit the first set of documents in February 2010 to the Government for independent examination by a planning inspector.

2.2 The Committee is advised that there are a variety of technical, procedural and administrative issues to consider. To provide a focus for comment, this report considers the technical issues in some detail, whilst dealing only briefly with the procedural and administrative matters.

3. Policy and Technical Considerations : Surrey Minerals Plan Core Strategy – Doc 1

3.1 The Committee is requested to consider if the document is legally compliant and sound. At the heart of these two issues, from the Committee's perspective (and previous comments), is whether the policies and sites identified in the Minerals Plan, to meet the regional requirement for aggregates until the period 2026, should be subject to a formal challenge.

3.2 The South East Region's minerals' policy framework is set out in the South East Plan 2009. However, the policy approach that allocates the regional demand for aggregates to Minerals Planning Authorities (SCC), was the subject of an Examination in Public attended by your Officers. Whilst not yet concluded, it is likely that Surrey will have to provide 1.32 million tonnes p/a (mtpa) of aggregates. The Committee is advised that Surrey gravel aggregates are only found in Runnymede and Spelthorne and so the County's 1.32 mtpa aggregates requirements will be primarily dependent on reserves in the two Boroughs. The preferred area (sites) for delivery of aggregates are identified in the Primary Aggregate DPD – Doc 2.

Primary Aggregate DPD – Doc 2

3.3 To enable the Core Strategy to meet the regional aggregate demand for Surrey of 1.32 mtpa (subject to confirmation) the following sites have been identified in Doc 2:

- Milton Park, Egham
- Whitehall Lane, Egham
- Land North of Thorpe, Egham

- Wey Manor Farm, Addlestone
- Hamm Court Farm, Addlestone

Five of the eleven sites are in Runnymede, providing some 36% of the total gravel aggregates requirement for the County for the period to 2026. However, it does note that Milton Park Farm (2.38mtpa) and Whitehall Farm (0.82mtpa) will not be totally extracted during the Plan period to avoid a cumulative impact. In addition, Wey Manor Farm will extend an existing site.

- 3.4 Details of the Runnymede sites are set out in Appendix 'B'. This also includes the previous comments of the Committee at its meeting in June 2006 and in respect of the application at Milton Park Farm considered in September 2009. Policies MA1 and MA2 of Doc 2 set out the mechanism for releasing these sites. Doc 3, the Minerals Site Restoration Document, sets out the guidance for restoring sites that have been subject to extraction.

Minerals Site Restoration SPD – Doc 3

- 3.5 The Supplementary Planning Document comprises technical restoration guidance combined with the County's vision on how existing and proposed mineral working should be restored. The emphasis is upon a restoration-led approach when considering mineral working. It sets out the guidance that would need to be reflected in planning applications that are submitted on individual sites.

Aggregate Recycling – Joint Development Plan Document for Minerals and Waste Plans – Doc 4

- 3.6 This document sets out the County's vision of how aggregates recycling should be planned for in Surrey during the period to 2026. National policy guidance in Minerals Planning Statement 1 – Planning and Minerals and the Government's Waste Strategy 2007 place emphasis upon recycling materials (that can be used as an alternative to existing minerals) and reducing waste. The joint DPD seeks to achieve these twin objectives within Surrey. The document indicates that temporary aggregate recycling sites will be located at identified minerals sites in the following locations in Runnymede:

- Addlestone Quarry, Addlestone
- Milton Park, Egham
- Whitehall Lane, Egham
- Hamm Court Farm, Addlestone

Other aggregates recycling sites will be associated with identified waste recycling sites at:

- Land adjacent to Trumps Farm, Longcross
- Lyne Lane, Chertsey

In essence this would require the provision of additional infrastructure on site to deal with the additional activity.

- 3.7 In view of the diversity of issues covered in these four documents, the remainder of the report focuses on those issues that are of direct material interest to Runnymede.

Comment

3.7.1 *The Committee has had an opportunity to recently comment on the regional and county policy approach to mineral extraction rates and on specific applications for mineral workings. These have highlighted particular issues to which reference is made to guide the Committee's responses to these documents.*

3.7.2 *When commenting upon the annual allocations for mineral extraction, the Committee resolved that the demand for aggregates should be met in a fair and equitable way. As part of this consideration is the need to ensure that the impact on the local environment and communities is managed.*

3.7.3 *With regard to site specific comments, the Committee will recall that it recently commented upon an application for mineral extraction at Milton Park Farm, Egham. Objection was raised to the scheme for a number of reasons (see*

Appendix 'C') including highway concerns, impact on local hydrology, effect on listed buildings, loss of agricultural land, impact on local economy and air and noise pollution. Similar concerns would equally apply to the other sites in the Borough.

3.7.4 The Committee will recognise that there is a need to meet regional and county aggregates needs and that there are limited sites available in the County (minerals can only be worked where they occur). A key issue is that the release of sites needs to fully recognise the impact that they have on the local environment and communities. Members may wish to challenge the Core Strategy and Primary Aggregates DPD (Docs 1 and 2) as they have not adequately addressed these issues as part of the Sustainability Appraisal and Strategic Environmental Assessments. In particular there is concern that Policy MC1 of Doc 1 and Policies MA1 and MA2 of Doc 2 have not satisfactorily considered the social, environmental and economic issues that will provide a sound and sustainable plan. Officers will expand upon these issues as a formal objection that it is hoped would be considered at the Surrey Minerals Plan Core Strategy Examination in Public in 2010.

3.7.5 The provision of additional aggregates facilities on 5 locations in Runnymede, in the context of 10 identified sites in the County, seems inequitable. Whilst these facilities are associated with existing identified waste minerals sites it is anticipated that additional site activity will give rise to traffic, air and noise pollution, amenity issues, and other considerations that will impact on the local adjoining communities. This is particularly the case for the sites at Egham, Hamm Court and Addlestone which will be required to deal with the consequences of accommodating some 50% of the aggregates recycling facilities for the County in geographically the second smallest borough. There is not sufficient evidence that adequate alternative sites for the whole county have been adequately considered and an objection is lodged to policy AR2 on this basis.

4. Council Policy and legal Position

4.1 When the Surrey Minerals Plan Core Strategy is adopted it will become part of the Development Plan for Runnymede.

5. Sustainability Issues

5.1 The Surrey Minerals Plan Core Strategy has been subject to a Strategic Environmental Assessment and a Sustainability Appraisal. Officers are not yet satisfied that the SA/SEA has met the requirements for confirming that this is a sound plan and legally compliant. A holding objection is suggested until this point has been satisfied. If not, then the matter can be pursued at the examination in public.

6. Equality Issues

6.1 It is inevitable that the extraction of minerals will have a significant impact on local communities. This needs to be balanced with the wider benefit of providing materials to supply the needs of infrastructure and construction projects to support our communities.

7. Resource Issues

7.1 Officers will need to attend the Surrey Minerals Plan Examination in Public. This will be contained within the existing budget.

8. Conclusion

8.1 Surrey County Council has invited comments on two sets of documents that form part of the Surrey Minerals Plan. The first set of two documents, the Core Strategy and Primary Aggregates (Docs 1 and 2) seek confirmation that the Plan is sound. The other two documents (Docs 3 and 4) deal with more technical issues. The documents set out the context for mineral extraction, restoration and minerals and waste recycling for the period to 2026. The comments in para 3.7 of this agenda item set out an objection to the Plan that can be pursued by Officers at the anticipated Examination in Public in 2010.

OFFICERS' RECOMMENDATION that –

objection be raised to the Surrey Minerals Plan Core Strategy Policy MC1 and accompanying Primary Aggregates Development Plan Document Policies MA1 and MA2 for the reasons set out in paragraph 3.7 of this report.

(TO RESOLVE)

Background Papers

None

8. LAND AT GREAT GROVE FARM – ENFORCEMENT (DTS)

1. Purpose of Report

1.1 **To seek authorisation to serve a planning enforcement notice in respect of a material change in the use of an open grassed paddock to the north of Great Grove Farm for unauthorised open storage comprising a variety of items including skips, lorry bodies, a portacabin, trailers, metal tanks and tyres and other various miscellaneous items and the parking and movement of motor vehicles.**

2. Site Description

2.1 Great Grove Farm is located within the Green Belt and a “Landscape Problem Area” comprising an area of some 4.18 hectares. It is located to the north of Murray Road and comprises a variety of different authorised uses and developments within the central section of the site. Open grazing land is located to the north and south of Great Grove Farm. The area of open paddock immediately to the north of Great Grove Farm is the subject of this report (site plan at Appendix ‘D’).

2.2 An existing 2.5 storey residential farmhouse is located within a central position within the site with associated garaging and parking. In addition a number of lawful residential units currently exist with the site. The remainder of the central section of the developed part of the site comprises a variety of buildings currently in a mixed commercial use comprising both light and general industrial uses. A number of the existing buildings within the appeal site have an authorised “nil” use. In addition, lawful areas exist for the open storage of plant, machinery and materials and the parking of commercial vehicles, motorcars and vans and areas of hardstanding.

2.3 Established residential development is located to the southwest of the site within Ottershaw. The remainder of the surrounding land is rural in nature consisting of open farmland to the north, west and east and open parkland to the south. Vehicular and pedestrian access to the site is gained at a single point along the Murray Road Frontage.

3. Site History (planning and enforcement)

3.1 Relevant planning history, including planning enforcement relating to Great Grove Farm comprises the following:-

3.2 Since 1948 there have been a series of applications for extensions to the farmhouse, the erection of agricultural buildings, new walls and access changes. Two applications for residential development were refused in the 1950's. In 1989 planning permission was granted for an extension incorporating a swimming pool.

3.3 In April 2001 an application for a "Certificate of Existing Lawful Use" was submitted but withdrawn prior to determination (RU 01/0409).

3.4 In 2003 a complaint was received by planning enforcement relating to unauthorised parking to the north west of the developed part of Great Grove Farm on open grassland. The planning enforcement officer visited the site on 01.09.03. The site owner was asked to remove the vehicles. A letter from planning enforcement dated 14.01.04 confirmed that they had visited the site and that all commercial vehicles had been removed from the field area with the exception of a single saloon vehicle. It was agreed that this would be removed as soon as ground conditions permitted. This is the area the subject of this report.

- 3.5 In April 2004 a "Certificate of Existing Lawful Use" was issued for some of the existing buildings and uses within Great Grove Farm. (RU.03/0237). This granted the use of 4 buildings (including the existing 2.5 storey farmhouse) as self-contained residential dwellings; the use of 3 single storey buildings to the south as stables and a commercial livery; the use of 3 buildings as general industrial use and 1 for light industrial; in addition 2 existing buildings, one to the north and one to the south as lawful but with "Nil" uses. Two existing buildings to the north of the main farmhouse and pantry store were deemed to be unlawful.
- 3.6 Two Enforcement Notices were served in July 2004, in respect of unlawful operational development and material changes of use, which had occurred within the site.
- 3.7 The Enforcement Notice relating to the "Material Change of Use" related to unauthorised open storage of plant, machinery and materials and the movement and parking of commercial vehicles and motorcars and vans within the site, and the siting of a portacabin. This enforcement notice included all unauthorised open storage which was occurring within the site. The enforcement notice did not include land within the northern paddock, which is the subject of this report.
- 3.8 The Enforcement Notice served in respect of unauthorised operational development related to an unauthorised steel framed storage building and a metal clad garage/store.
- 3.9 The owner submitted an appeal against the above Enforcement Notices, however, the appeals were withdrawn following the grant of the 3 applications detailed below.
- 3.10 In October 2004 three applications were submitted to this Authority. A Certificate of Existing Lawful Development was approved (RU04/1222) for the retention of a commercial and residential hardstanding within the site associated with the existing residential use and various commercial buildings and uses granted under RU 03/0237.
- 3.11 A Certificate of Existing Lawful Use was approved (RU 04/1223) for the open storage of plant, machinery and materials and the parking of commercial vehicles, motorcars and vans. This Certificate clearly defined the areas within the main Great Grove Farm site for lawful open storage and car parking. This did not include any of the paddock area to the north of Great Grove Farm.
- 3.12 On the basis of this decision, the owner was advised that the Council would only seek to enforce the terms of the enforcement notice in respect of those unauthorised areas used for the open storage of plant and machinery and materials and the movement and parking of commercial vehicles and motorcars and/or vans within those areas as contained with the "Material Change of Use" Enforcement Notice which were not deemed "lawful" under application RU.04/1223. This Enforcement Notice remains in place.
- 3.13 In addition a Certificate of Existing Lawful Development was approved (RU 04/1224) for the retention of a steel framed storage building. The Certificate confirmed that the building operation was considered lawful, but that it had a nil use. A certificate was not made for the existing unauthorised portacabin located to the south of existing built development within the site. This was subsequently removed. In addition a Certificate was not made for an existing metal clad garage/storage building. This has not been removed from the site, and therefore remains unlawful and is still subject to the "Operational Development" Enforcement Notice served in July 2004. Officers are currently involved in ongoing discussions with the owner to remove this unauthorised building.
- 3.14 In July 2008 a full planning application was received by the local planning authority for the proposed erection of 12 dwellings and the retention of the existing farmhouse, together with associated parking and landscaping. This application was refused at the Planning Committee meeting on 11 of March 2009. An appeal was subsequently dismissed on 20 October 2009 following a public inquiry.
- 3.15 Officers wrote to the site owner outlining the outstanding enforcement matters on 5 June 2009. This, amongst other items, included the unauthorised use of the northern paddock for open storage. The site owner's agent confirmed in their response dated 18 June 2009 that the site owner accepted that the open storage of vehicles to the north of the site boundary was unlawful and as such intended to clear the area as soon as alternative storage facilities could be identified.

- 3.16 Following a site meeting with the agent on 9 July, the contents of the Council's letter dated 5 June 2009 were agreed and the agent confirmed that the site owner was considering realistic timescales for the removal of the unauthorised development and uses.
- 3.17 However, a subsequent letter from the agent dated 4 August 2009 advised that the site owner believed that the use of the paddock to the north of the developed part of Great Grove Farm had (in part) been ongoing for a sufficient period of time to be considered lawful. On this basis they would be considering the submission of a "Certificate of Lawful Use" application. They requested that all action be put on hold pending the determination of the planning appeal for the residential redevelopment of the site. This was on the basis that should planning permission be granted for the redevelopment of the site all unauthorised developments and uses would be removed.
- 3.18 A Certificate of Lawful Use application has not been submitted and the appeal was dismissed on 20 October 2009. The open storage continues to take place in the northern paddock and the owner has not given any indication of his intent to remove the items or stop using the area for parking.
4. Unauthorised Development
- 4.1 The unauthorised development comprises a material change in the use of an open grassed paddock located immediately to the north of the developed part of Great Grove Farm for unauthorised open storage comprising skips, lorry bodies, a portacabin, trailers, metal tanks and other various miscellaneous items and the parking and movement of motor vehicles.
- 4.2 In order to be lawful, the material change of use of the land would need to have existed on the site for a period in excess of 10 years. Aerial photographs dated 1993 and 1998 shows the northern paddock area to be clear from any storage. However, both these dates are more than 10 years ago. Later aerial photos dated 2003 and 2008 do show vehicles being stored on this area of land.
- 4.3 Under application RU 04/1223 the site owner submitted 3 aerial photographs dated October 1999, March 1995 and July 1989. These three aerial photographs show the northern paddock area to be clear from all storage and parking. It is clear that the spread of storage and parking on the paddock area commenced between 1999 and 2003.
- 4.4 The site has an extensive planning history, including the submission of "Certificates of Existing Lawful Use" applications in 2001, 2003 and 2004. None of these applications sought permission for open storage on the open paddock land to the north of the existing developed part of Great Grove Farm. In July 2003, the planning enforcement section became aware of unauthorised vehicle parking on this area of open paddock to the north of the site. This was subsequently cleared of any unauthorised storage by January 2004 and, therefore, no breach of planning control was occurring at that time. This then becomes the relevant date for consideration.
- 4.5 The Certificate of Existing Lawful Use and Development Certificate (RU 03/0237) issued in April 2004 sought to regularise all unauthorised developments and uses which were occurring within the site. Only part of the development was considered to be lawful and enforcement notices were issued in respect of the remaining unlawful uses and developments within Great Grove Farm.
- 4.6 The material change of use Enforcement Notice included those areas of the site which were being used in 2004 for the unauthorised storage of plant, machinery and materials and the movement and parking of commercial vehicles and motorcars and vans within the site, and the siting of a portacabin. This enforcement notice excluded the open grassed paddock area to the north as there was no unlawful storage taking place. The enforcement notice however did include land immediately adjacent to the northern paddock area, which falls within the developed part of the site.
- 4.7 The Planning Inspector's decision letter for the recent appeal also confirmed that the area to the north being utilised for parking of vehicles is unauthorised (paragraph 60 of the Inspector's decision).
- 4.8 On the balance of probability it is considered that the use of this land for unauthorised open storage comprising a variety of items including skips, lorry bodies, a portacabin, trailers,

metal tanks and tyres and other various miscellaneous items and the parking and movement of motor vehicles has not taken place for the relevant 10 year period. As a result authority to institute enforcement action, to cease the unauthorised change of use which has occurred within the site and to return the land to its original "undeveloped" state prior to the breach 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. Saved Local Plan Policy GB1 contains a strong presumption against development that would conflict with the purposes of the Green Belt or adversely affect its open character.
- 5.2 Great Grove Farm lies within the Southern Green Belt Area which is designated a Landscape Problem Area and defined under saved Local Plan Policy NE10 as a narrow section of Green Belt under tremendous pressures. This is a particularly vulnerable section of Runnymede's Green Belt located in close proximity to the urban areas of Ottershaw and Adlestone.
- 5.3 The use of the open paddock land for parking and open storage has resulted in a spread of vans, cars, skips, lorry parks, and other items within a previously open area. There is a hedge, defining the northern boundary of Great Grove Farm but the open storage has spread beyond this area. There are open views and vistas from a wide area and this has resulted in the site having an unsightly appearance which is not characteristic of the undeveloped Green Belt in this area. The only conclusion is that the unauthorised change in use of the land is an inappropriate and harmful development within the Green Belt by reason of an undesirable intensification and spread of commercial uses within an area of land outside the developed area of Great Grove Farm which was previously open. This has a detrimental and harmful impact upon the openness and visual amenities of the Green Belt which is vulnerable and fragmented in this part of the Borough and conflicts with the purposes of the Green Belt. The development is therefore contrary to PPG2 : 'Green Belts' and saved Policy GB1. The landscape has deteriorated as a result of this encroachment contrary to saved Policy NE10.
- 5.4 Inappropriate development should not be accepted within the Green Belt unless very special circumstances exist which outweigh the harm in principle and any other harm. No such very special circumstances exist to the knowledge of Officers.
- 5.5 For these reasons enforcement action is recommended to cease the unauthorised change of use which has occurred within the site, and return the site to its original condition as grassed paddocks.

6. Human Rights Act 1998 Considerations

- 6.1 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.
- 6.2 The taking of enforcement action, including legal action, can amount to an interference with a person's rights. Nevertheless 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 pursued.

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 –

- i) **the Director of Administration and Leisure be authorised to issue an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) requiring:**
- a) **cessation of the material change in the use of land for unauthorised open storage comprising a variety of items including skips, lorry bodies, a portacabin, trailers, tyres, metal tanks and other various miscellaneous items and the parking and movement of motor vehicles;**
 - b) **removal of open storage items and parked cars;**
 - c) **the land to be restored to open grassland.**
- ii) **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 material change in use of the land for open storage comprising a variety of items including skips, lorry bodies, a portacabin, trailers, metal tanks and tyres and other various miscellaneous items and the parking and movement of motor vehicles is an inappropriate and harmful development within the Green Belt. This results in an undesirable intensification and spread of commercial uses into open Green Belt land which is vulnerable and fragmented and which has a detrimental and harmful impact upon the openness and visual amenities of the Green Belt. This conflicts with the purposes of the Green Belt contrary to advice contained within Planning Policy Guidance Note 2: Green Belts and conflicts with saved Policies GB1 and NE10 of the Runnymede Borough Local Plan Second Alteration April 2001 and Policies SP5 and LF1 of the South East Plan May 2009.**
2. **The Local Planning Authority do not consider that very special circumstances exist in order to justify the granting of planning permission, contrary to saved Policies GB1 and NE10 of the Runnymede Borough Local Plan Second Alteration 2001, policies SP5 and LF1 of the South East Plan May 2009 and advice contained within Planning Policy Guidance Note 2 : 'Green Belts'.**

(TO RESOLVE)

Background Papers

Planning Inspectors decision for RU 08/1221
RU 03/0237
2 x Enforcement Notices dated July 2004
RU 04/1222
RU 04/1223
RU 04/1224

9. 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

10. 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)