

Planning Committee

Wednesday 24 June 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).**
- 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
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 3 June 2009 as a correct record, (Appendix 'A' to follow).

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)

Background Papers

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

7. SERVICE PLAN OUTTURN 2008/2009 (DAL, IDTS)

1. Purpose of Report

1.1 **The purpose of this report is to advise the Committee on the outturn performance of the 2008/09 Service Plan.**

2. Background Information

2.1 As Members are aware, the Best Value/Best Value Performance Indicator regime has been replaced by a new National Performance Framework and new set of National Indicators. Obligations under the new Local Government Public Engagement in Health Act 2007 have required the Council to cooperate with statutory partners and others in Surrey to create a Surrey wide Local Area Agreement (LAA) with effect from June 2008. In addition, there is a requirement for all Councils to produce a Sustainable Community Strategy (previously the Community Strategy) and this will be used to inform the work associated with the Local Development Framework.

2.2 Against this changing background, a new strategy, planning and performance management framework of Sustainable Community Strategy (and Corporate Plan) and Committee-based Service Plans has been produced. This approach was endorsed at Corporate Management Committee on 30 October 2008, and approved by Council on 18 December 2008.

2.3 The new Strategy will be published shortly.

3. Report

3.1 Members are invited to note the outturn position on its Service Plan, attached at Appendix 'B'. The newly formatted Service Plan provides a control document for senior managers and the responsible Committees to monitor and review, as well as highlighting where slippage or other difficulties are occurring, and appropriate recovery strategies need to be put in place.

OFFICERS' RECOMMENDATION that –

the Service Plan outturn for Planning and Development Services for 2008/09 as attached at Appendix 'B' be approved.

(TO RESOLVE)

Background Papers

None

8. PADD FARM, HURST LANE, EGHAM – ENFORCEMENT (DAL)

1. Purpose of Report

1.1 **To seek the instructions of the Committee as to whether, and how, Officers should seek to secure compliance with**

a) **a 1993 S.106 Obligation,
and/or**

b) **two Enforcement Notices issued by the Council in 1999,**

in respect of Padd Farm, Hurst Lane, Egham, ("the site").

2. Background Information

2.1 The Committee last considered Padd Farm at its meeting on 25 May 2005, when in summary, it authorised the issuing of further Enforcement Notices in respect of numerous breaches of planning control at Padd Farm. The location of Padd Farm is shown on Appendix 'C'.

3. Issue of 24 Enforcement Notices in December 2007

3.1 As a consequence of the decision taken by the Committee on 25 May 2005, in December 2007, 24 Enforcement Notices were issued in respect of Padd Farm.

3.2 Appeals were made to the Planning Inspectorate in respect of all 24 Enforcement Notices, and an appeal was scheduled for November 2008. However, on the advice of an experienced planning Barrister, the Council between September and October 2008, withdrew all 24 Enforcement Notices, and the Planning Inquiry that had been scheduled for November 2008, was cancelled. The Planning Inspectorate has recently refused a late/out of time application for Costs in respect of 3 of these withdrawn Notices.

3.3 In February 2009, two new Enforcement Notices were issued by the Council, and summaries of the contents of these Notices are attached as Appendices 'D' and 'E'.

3.4 Appeals have been lodged against the two February 2009 Enforcement Notices, and the Planning Inspectorate has advised the Council that these appeals will be heard over six days commencing on 17 November 2009.

3.5 The two February 2009 Enforcement Notices consolidate the items which were in the previous December 2007 Notices in a comprehensive form and exclude any items which are already covered by previous Enforcement Notices or planning conditions/S.106 thereby preventing planning permission being granted on appeal against any Enforcement Notices. In addition the February 2009 Notices include the change of use of various buildings.

3.6 The uses of the land and buildings at Padd Farm regularly change. In addition to the various uses set out in the May 2005 Committee Report, the site is currently being used for the following:-

- i) storage and hire of skips
- ii) a removal firm depot together with office and staff facilities
- iii) use of a building for a carpentry workshop.

3.7 A number of new operational developments have also taken place since May 2005, these include:-

- i) the construction of a building used as a shower block
- ii) the construction of a garage/workshop building
- iii) the construction of two extensions to the garage used a residential property
- iv) further construction of areas of hardstanding and erection of fencing and posts.

3.8 All of these additional elements have been included in the February 2009 Enforcement Notices.

4. Liaison with Local Residents

4.1 Letters were sent to local residents on 17 April 2009, and 27 May 2009, to advise them as to the current situation with regard to the numerous current planning issues at Hurst Lane. Officers had previously met resident's representatives in June 2008, and there has also been correspondence with individual residents.

5. The Site

- 5.1 Padd Farm is a holding of around 12.8 hectares and lies in a predominantly rural location some 2 kilometres south of Egham. The holding extends along the eastern side of Hurst Lane and is occupied by a modern detached bungalow and a collection of barns, stables and numerous outbuildings clustered around a surfaced yard at the north western side of the site.
- 5.2 The site has an authorised use as an agricultural holding and the bungalow has an agricultural occupancy condition, and is subject to a S.106 Obligation. The area lies within the Metropolitan Green Belt and is a Site of Nature Conservation Importance.
- 5.3 The site has an extensive and complex planning and enforcement history.
- 5.4 In terms of the authorised activities on the site, permissions have previously been granted for the use of three of the former agricultural buildings on the holding for commercial purposes namely for film storage, ceiling manufacture (both permissions expiring in April 2001) and waste container restoration (obtained on appeal) but which has ceased.
- 5.5 All other buildings on the site should only be used for agriculture, residential or ancillary residential use. All open areas of the site should only be used for agricultural purposes.
- 5.6 In relation to previous enforcement action undertaken, the site is currently subject to effective enforcement notices applying to all or parts of the site, and the provisions of these Notices are set out in Section 6.

6. Enforcement Notices issued in Respect of Padd Farm

- 6.1 A summary of all the Enforcement Notices issued in respect of Padd Farm is set out in Appendix 'F'.

7. Planning Considerations

- 7.1 Officers have identified seven breaches of planning control contrary to a S.106 Obligation, and two Enforcement Notices, that apply to Padd Farm:, and they are summarised below:

	Breach of planning control	EN	S.106
i)	The storage of building and other materials	(1999) EN E	
ii)	The storage of plant and equipment	(1999) EN E	
iii)	The storage of caravans	(1999) EN F	
iv)	The storage of vehicle bodies	(1999) EN F	
v)	The unauthorised siting of mobile homes, caravans or other forms of mobile residential accommodation		S.106
vi)	The conversion of an existing building, "the Cottage", for residential use (which is shown as building 1 on Appendix 'G')		S.106
vii)	The conversion of an existing building , "the Garage Flat", for residential use (which is shown as building 16 on Appendix 'G')		S.106

- 7.2 The site forms part of the Metropolitan Green Belt and the advice in Planning Policy Guidance Note 2 (PPG2) indicates that the most important attribute of such areas is their openness. PPG2 also indicates that there is a general presumption against inappropriate development in the Green Belt and that such development is, by definition, harmful to the locality.

- 7.3 Planning policy considerations in respect of the seven breaches of planning control at Padd Farm identified in Section 7.1 are set out below:

7.3.1 The storage of building and other materials / The storage of plant and equipment contrary to Notice E

The planning reasons for issuing Notice E were set out in the Annex to Notice E, and which stated:

Reason for Issue of Notice

The use of the land for the storage of plant, equipment and materials is detrimental to the rural character and visual amenities of the area, and further erodes the openness of the Green Belt, contrary to policies for preservation of the Green Belt and protection of the natural environment contained in Policy Planning Guidance Note 2 : 'Green Belts', Policies PE1 and PE2 of the Surrey Structure Plan 1994, Policies GB1, GB3 and EV1 of the Runnymede Borough Local Plan First Alteration (Adopted 1993) and Polices GB1, GB13 and NE1 of the Second Alteration Modifications Draft (December 1998).

Although some of the planning policies referred to in the Annex to extant Notice E have been replaced, current planning polices are considered to still justify enforcing Notice E.

7.3.2 The storage of caravans / The storage of vehicle bodies contrary to Notice F

The planning reasons for issuing Notice F were set out in the Annex to Notice F, and which stated:

The use of land for the storage of caravans and vehicle bodies is detrimental to the rural character and visual amenities of the area, and further erodes the openness of the Green Belt, contrary to policies for the preservation of the Green Belt and protection of the natural environment contained in Policy Planning Guidance No 2 : 'Green Belts', Policies PE1 and PE2 of the Surrey Structure Plan 1994, Policies GB1, GB3 and EV1 of the Runnymede Borough Local Plan First Alteration (Adopted 1993) and Policies GB1, GB13 and NE1 of the Second Alteration Modifications Draft (December 1998).

Although some of the planning policies referred to in the Annex to extant Notice F have been replaced, current planning polices are considered to still justify enforcing Notice F.

7.3.3 The unauthorised siting of mobile homes, caravans or other forms of mobile residential accommodation contrary to the S.106 Obligation

The planning reasons that justify seeking to prohibit the siting of mobile homes, caravans or other forms of mobile residential accommodation contrary to the S.106 Obligation are considered to be:-

- (i) The use of the Land for the siting of mobile homes, caravans or other forms of mobile residential accommodation for residential purposes is inappropriate and harmful development which is detrimental to the openness and visual amenity of the Green Belt contrary to Policies SP5 and LF1 of the South East Plan, Saved Policies GB1 and GB13 of the Runnymede Borough Local Plan Second Alteration April 2001 and the advice contained in Planning Policy Guidance Note 2: 'Green Belts', January 1995.
- (ii) The Council do not consider that very special circumstances exist to justify the granting of planning permission contrary to Policies SP5 and LF1 of the South East Plan 2009 and saved Policies GB1 and GB13 of the Runnymede Borough Local Plan Second Alteration April 2001 and the advice in Planning Policy Guidance Note 2: 'Green Belts', January 1995.

7.3.4 The appropriateness of storage uses

The appropriateness of storage uses on this site must be considered in the light of PPG2 and whether they represent an inappropriate form of development in the Green Belt and if so whether there are any very special circumstances in this case why the development should be allowed.

Open storage uses have a significant impact on the character of this site and represent an inappropriate form of development in the Green Belt and no very special circumstances exist which would allow such harm to the Green Belt to continue.

Indeed the Inspector appointed to hear the enforcement notice appeals in April and August 2000 was clear that the open storage found on many parts of the site had “a *drastic impact on the character of the site*”, the former farmland being “*transformed into an industrial landscape which seriously eroded the openness of this part of the Green Belt*”. It is considered that such comments apply with equal force to the unauthorised storage uses now evident on the site.

7.3.5 The unauthorised conversion of existing buildings (the Cottage, and the Garage Flat, and which are shown as buildings 1 and 16 on Appendix 'G') for residential use contrary to the S.106 Obligation

7.3.5.1 Section 3.8 of PPG2 indicates that the re-use of buildings inside the Green Belt is not inappropriate development provided:

- a) it does not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land within it;
- b) strict control is exercised over the extension of re-used buildings, and 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 within it (e.g. because they involve extensive external storage, or extensive hardstanding, car parking, boundary walling or fencing);
- c) the buildings are of permanent and substantial construction, and are capable of conversion without major or complete reconstruction; and
- d) the form, bulk and general design of the buildings is in keeping with their surroundings.

7.3.5.2 The approved Regional Spatial Strategy and Second Alteration of the Runnymede Borough Local Plan generally follow this national planning guidance. Policy SP5 of the South East Plan recognises in the supporting text the need to prevent development which would conflict with the purposes of the Green Belt. Policy GB13 of the Local Plan indicates that the Council will not normally permit development within the Green Belt except for the essential requirements of certain rural uses set out in the policy. Indeed Policy GB7 of the Local Plan (as modified) indicates that the re-use and adaptation of rural buildings will be permitted in the Green Belt provided that it meets a total of 5 criteria which are similar to those set out above.

7.3.5.3 Also in Planning Policy Guidance Note 4 (PPG4) relating to Industrial and Commercial Development and Small Firms, Section 13 refers to helping small firms through the planning system and Sections 27 to 31 consider where an application is to be refused whether the imposition of conditions or a legal obligation might overcome the harm that would be caused.

7.3.5.4 The unauthorised uses of the Garage Flat and the Cottage are considered to seriously conflict with both local and national planning objectives for such development.

7.4 General

7.4.1 As can be seen from Appendix 'F', the Council has been forced to take enforcement action for a whole range of unauthorised activities at this site for a period of over twenty years.

7.4.2 The owners of the site are considered to be fully aware of the need for planning permission and of the unauthorised nature of activities on land which they control. The owners of the site have taken full advantage of professional representation in the past, and can be in no doubt of the risk they face of action being taken against them and indeed of the continuous resolve of the Council in taking such action.

7.4.3 In granting planning permission for certain activities in the past recognition has been given to the fact that some low key uses can be accommodated in the Green Belt and can help to financially underpin an agricultural enterprise. The owners, however, appear to have misused this policy concession and indeed there is no longer any agricultural activity at the site, if there ever was any such activity. As there appears to be no agricultural activities occurring on the land (with the exception of the keeping of chickens within the amenity land

forming part of the residential curtilage) concessions for diversification to assist and support existing agricultural holdings do not appear to apply.

8. The 1993 S.106 Obligation

8.1 On 28 July 1993 the current owners of Padd Farm entered into an S.106 Obligation ("the S.106 Obligation") pursuant to the Town and Country Planning Act 1990 ("the 1990 Act") with the Council, and Barclays Bank plc.

8.2 Clause 4 of the S.106 Obligation states that:

"...at all times after the Development or any part thereof has been initiated within the meaning of Section 56 of the Act they will observe perform and comply with the restrictions and obligations set out in the Third Schedule hereto in respect of the Property..."

9. Unauthorised Siting of Caravans Contrary to the S106 Obligation

9.1 Section 1 of the Third Schedule of the S106 Obligation states that:

"Upon completion of the construction on the Property of the Development or its occupation whichever is the earlier the mobile home currently sited on the Property shall be removed from the Property and no further mobile homes, caravans or other forms of mobile residential accommodation shall be sited upon the Property."

9.2 Construction of the detached three bedroom bungalow, and double garage, that was permitted pursuant to the S.106 Obligation, and Planning Permission RU.92/0554, was completed by approximately November 1995.

9.3 70 caravans or mobile homes were observed by Officers at Padd Farm, on 11 May 2009.

9.4 Officers intend to undertake a site visit of Padd Farm shortly before 24 June 2009, and Officers will advise the Committee verbally at the meeting, as to the latest position with regard to breaches of planning control at Padd Farm.

10. Unauthorised Construction of New Additional Residential Units / Conversion of Existing Buildings for Residential Use, Contrary to the S.106 Obligation

10.1 Section 2 of the Third Schedule of the s.106 Obligation states that:

"Once occupation of the Development has taken place and the mobile home has been removed no additional residential units shall be constructed and no existing buildings shall be converted for residential use or occupied as residential units upon the property so as to ensure in the future the Property retains only one residential unit".

10.2 Officers have observed that:

a) The detached garage ("the Garage") (shown numbered 16 on the plan attached as Appendix 'G') has been converted into a residential dwelling.

(There is an outstanding application for a Certificate of Lawful Development in respect of the current residential use of the Garage, and which is the subject to a separate report on this Agenda).

b) The building ("the Cottage") shown numbered 1 shown on the plan attached as Appendix 'G' has been converted into a residential dwelling.

11. Issue of Enforcement Notices in 1999

11.1 On 12 August 1999, the Council issued six Enforcement Notices in respect of Padd Farm, and the details of two of these Notices (E and F) are set out below.

11.2 Notices E and F were upheld on appeal (with amendments) by a Planning Inspector, on 1 September 2000.

11.3 A subsequent High Court challenge to the Inspectors Decision Letter in respect of Notice E, was dismissed by the High Court on 4 May 2001.

12. Unauthorised Storage of Building and Other Materials, and Plant and Equipment

12.1 Notice E alleged:

“Without planning permission, change of use of the land edged black on the attached notice plan marked HWJR1 to the storage of building and other materials, and plant and equipment.”

12.2 Notice E contained the following requirement:

“What you are required to do:

- a) Cease the use of the land shown edged black on the attached notice plan marked HWJR1 for the storage of building and other materials, and plant and equipment;*
- b) Remove from the land all stored building and other materials, and plant and equipment”.*

12.3 On 11 May 2009 Officers observed that building and other materials, and plant and equipment, were being stored at Padd Farm in contravention of Notice E.

13. Unauthorised Storage of Caravans and Vehicle Bodies

13.1 Notice F alleged:

“Without planning permission, change of use of the land edged black on the attached notice plan marked HWJR1 to the storage of caravans and vehicle bodies.”

13.2 Notice F contained the following requirement:

“What you are required to do

- a) Cease the use of the land edged black on the attached notice plan marked HWJR1 for the storage of caravans and vehicle bodies.*
- b) Remove the caravans and vehicle bodies from the land.”*

13.3 On 11 May 2009 Officers observed that caravans and vehicle bodies were being stored at Padd Farm in contravention of Notice F.

14. Amendment of the Compliance Period in Notice E and Notice F

14.1 Notwithstanding that the owners of Padd Farm have had the opportunity since 2001 to comply with Notice E and Notice F, in an effort to allow them a final opportunity to fully comply with Notice E, and Notice F, the period of time to comply with both Notice E, and Notice F, was extended (pursuant to S.173A (1) (b) of the 1990 Act) on 22 May 2009, until midnight on Sunday, 21 June 2009.

15. Warning Letter

15.1 A letter was sent on 22 May 2009 to the owners of Padd Farm, to inform them that if they did not

- a) remove all the caravans and mobile homes from Padd Farm, and
- b) stop buildings 1 and 16 from being used for residential purposes,

by no later than midnight on Sunday, 21 June 2009, the Council would consider itself at liberty to apply to the High Court for an injunction to prevent their non-compliance with the S.106 Obligation, without further notice.

- 15.2 In addition, the owners of Padd Farm were advised by letter that if Notice E and/or Notice F, had not been fully complied with by midnight on Sunday, 21 June 2009, the Council would consider itself at liberty to commence criminal and/or injunction proceedings against them in respect of their non-compliance with Notice E, and/or Notice F, without further notice.
16. Enforcement Options
- 16.1 Section 4 of PPG18 states
- “the integrity of the development control process depends on the Local Planning Authority’s readiness to take effective enforcement action when it is essential. Public acceptance of the development control process is quickly undermined if unauthorised development, which is unacceptable on planning merits, is allowed to proceed without any apparent attempt by the Local Planning Authorities to intervene before serious harm to amenity results from it”.*
- 16.2 Section 5 of PPG18 states that
- “nothing in this Note should be taken as condoning a wilful breach of planning law”,*
- and it goes on to identify 5 points and of particular interest is the following:
- “In considering any enforcement action the decisive issue should be whether the breach would unacceptably affect public amenity and whether the action taken is commensurate with the breach to which it relates; and where the Local Planning Authority’s initial attempt to persuade the owner or occupier of the site to voluntarily remedy the harmful effect of the unauthorised development fails.”*
- 16.3 Before considering the individual options open to the Council it is important to acknowledge and consider carefully national policy guidelines on the use of enforcement powers. They should also be guided by the following:
- Parliament has given LPAs the primary responsibility for taking whatever enforcement action may be necessary, in the public interest.
 - In considering any enforcement action, the decisive issue for the LPA should be whether the breach of control would unacceptably affect public amenity or the existing use of land and buildings meriting protection in the public interest.
 - Action should always be commensurate with the breach of planning control to which it relates (for example, it is usually inappropriate to take formal enforcement action against a trivial breach of control which causes no harm to amenity in the locality of the site); and
 - where the LPA’s initial attempt to achieve a voluntarily remedy fails, negotiations should not be allowed to delay whatever formal enforcement action may be required to make the development acceptable on planning grounds, or to compel it to stop.
- 16.4 In terms of securing compliance with the Enforcement Notices, there are 5 options open to the Council (See Sections 16.5 – 16.9). All of the options have, to a lesser or greater degree, implications for the right of individuals the subject of such action to respect for their private and family life, their home and the undisturbed enjoyment of their possessions (i.e. the dwellings / caravans / mobile homes they occupy), and the Human Rights Act considerations are considered in Section 18. The action that the Council proposes to take must be proportionate to the breach but sufficient to secure compliance with the S.106 Obligation and/or Notices E and F. However, if Members consider that they should uphold planning control and seek compliance with the Enforcement Notices, then it is also relevant to consider which methods of seeking compliance is likely to be most effective.

16.5 Option 1 / Take No Action

16.5.1 If the Council decided to take no action:

- a) The S.106 Obligation would remain in force, and
- b) The Enforcement Notices would lie on the file (They remain in force indefinitely, and could be “re-activated” at a later date).

16.5.2 However if the Council decided to take no action in respect of the S.106 Obligation and or Notices E and F, it might be prevented from doing so in the future by a Court accepting the argument that the Council had delayed too long before seeking to enforce.

16.5.3 In adopting the “do-nothing” option, the breaches of planning control seem likely to continue. Further, long periods of delay may harm the Council’s chances of securing injunctive relief.

16.6 Option 2 / Prosecution

16.6.1 An owner of land commits an offence if he fails to take the steps required by an enforcement notice within the time for compliance (S.179 of the 1990 Act).

16.6.2 An offence under S.179 of the 1990 Act is an “either way” matter, i.e. it can be tried either in the Magistrates’ or Crown Court.

16.6.3 S.179 (8) of the 1990 Act provides that conviction for non - compliance with an enforcement notice can result in

- a) on summary conviction, to a fine not exceeding £20,000; and
- b) on conviction on indictment, to a fine.

16.6.4 In addition, S.179 (9) of the 1990 Act provides that:

“(9) In determining the amount of any fine to be imposed on a person convicted of an offence under this section, the court shall in particular have regard to any financial benefit which has accrued or appears likely to accrue to him in consequence of the offence.”

16.6.5 The Courts have held that there is every reason to institute criminal proceedings so as to punish infractions and to deter others, even where planning permission may be sought/granted. By instituting criminal proceedings, it is possible that not only will the public see a criminal penalty being imposed, but any financial benefits that have accrued due to non-compliance with enforcement notices being possibly reduced by a fine that took into account:

“any financial benefit which has accrued or appears likely to accrue.... in consequence of the offence “.

16.7 Option 3 / Injunction

16.7.1. Injunction in respect of breaches of the S.106 obligation

16.7.1.1 The breaches of the S.106 obligation observed by Officers are set out in Section 10.2.

16.7.1.2 The Council could seek to restrain the current breach of the S.106 Obligation and/or Notices E and F under S.106 (5) of the TCPA 1990, which provides:

“(5) A restriction or requirement imposed under a planning obligation is enforceable by injunction. “

16.7.2 Injunction in respect of breaches of Notices E and F

16.7.2.1 The breach of Notices E and F observed by Officers are set out in Section 12.3 and 13.3.

16.7.2.2 The Council could seek to restrain the current breach of Notices E and F under S.187B of the TCPA 1990, which provides:

“Where a local planning authority consider it necessary or expedient for any actual or apprehended breach of planning control to be restrained by injunction, they may apply to the court for an injunction whether or not they have exercised or are proposing to exercise any of their other powers under this Part.”

16.7.2.3 Such action is supported by the advice in Section 9.3 of the DETR document ‘Enforcing Planning Control: Good Practice Guide’ (1997).

16.7.2.4 S.187B confers a broad power on the courts. Although the Council needs only to consider it is “necessary or expedient” to apply to the courts, this is not the criterion upon which the courts are required to act. The courts have a broad discretion, as an injunctive relief is an equitable remedy.

16.7.2.5 The Court of Appeal in *Runnymede Borough Council v Harwood* (1994) held that S.187B should be given a broad interpretation not subject to limitations which were applied prior to the legislation coming into force. Also, in *Connors v Reigate and Banstead Borough Council* (1999) the Court of Appeal confirmed that the purpose of S.187B was to uphold the planning procedures and to ensure that those who wished to develop land should not pre-empt the statutory procedures which Parliament had laid down.

16.7.2.6 Where the Courts consider that a landowner will seek to circumvent whatever order is made, they will consider granting an injunction in very wide terms. The Court of Appeal in the case of *Wealden District Council v Kruschandal* (1998) upheld an injunction which required the defendant to refrain from siting a mobile home or any other vessel, structure or container whatsoever for residential purposes on any land within the administrative area of Wealden District Council without the benefit of planning permission.

16.7.2.7 It is for the Council to decide whether to initiate injunctive proceedings. Consideration should be given to all relevant matters including the likely effects on the owners and their family together with the other businesses on the site, and whether injunctive relief is a proportionate remedy in the light of those considerations.

16.7.2.8 The Court may grant such an injunction as it thinks appropriate for the purpose of restraining a breach of planning control. The Council therefore has discretion in applying for an injunction. The Council must consider it to be a necessary or expedient remedy before making an application to the Court. The penalties available to the Court for breach of injunction are considerable, including imprisonment.

16.7.2.9 Circular 10/97 offers some guidance on the use of injunctive relief. It identifies a number of criteria, which should be satisfied:

- a) The authority has taken account of all relevant considerations.
- b) There is clear evidence of a breach of planning control.
- c) Injunctive relief is a proportionate remedy in the circumstances.

16.7.2.10 In considering whether to grant an injunction (or to commit for contempt) the court has to weigh the public interest in securing compliance with planning legislation against the private interests of the persons against whom the injunction is sought. (See Section 18 in relation to the Human Rights implications).

16.7.2.11 The Court has to be satisfied first that the Council has properly reached a final conclusion that the continued breaches of planning control at Padd Farm can no longer be tolerated in the public interest, and second that it would be appropriate to force the eviction of the residents of the Garage, the Cottage, and all the caravans and mobile homes, even if the effect would be to make them homeless.

16.8 Option 4 / Compulsory Purchase

16.8.1 The Council has power to purchase land under S. 226 of the 1990 Act (as recently amended by the Planning & Compulsory Purchase Act 2004) in the following circumstances:

"(1) A local authority to whom this section applies shall, on being authorised to do so by the Secretary of State, have power to acquire compulsorily any land in their area –

- a) *if the authority think that the acquisition will facilitate the carrying out of development, re-development or improvement on or in relation to the land, or*
- b) *which is required for a purpose which it is necessary to achieve in the interests of the proper planning of an area in which the land is situated.*

(1A) But a local authority must not exercise the power under Section (a) of subs. (1) unless they think that the development, redevelopment or improvement is likely to contribute to the achievement of any one or more of the following objects

- a) *the promotion or improvement of the economic well-being of their area;*
- b) *the promotion or improvement of the social well-being of their area;*
- c) *the promotion or improvement of the environmental well-being of their area."*

16.8.2 Guidance on this power is found in ODPM Circular 06/2004. In order to justify the compulsory acquisition of land a compelling case in the public interest would have to be demonstrated (para.17 of the Circular):

"17. A compulsory purchase order (CPO) should only be made where there is a compelling case in the public interest. An acquiring authority should be sure that the purposes for which it is making a compulsory purchase order sufficiently justify interfering with the human rights of those with an interest in the land affected. Regard should be had, in particular, to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and, in the case of a dwelling, Article 8 of the Convention."

16.8.3 Furthermore the Council would have to demonstrate that it had the funds to carry out the acquisition prior to making the relevant compulsory purchase order and that no obstacles existed to the exercise of the CPO.

16.8.4 Only in exceptional circumstances would a CPO be likely to be an appropriate course of action in controlling unauthorised sites since the Council has other powers to secure compliance with planning control which have a less drastic effect than taking away property rights.

16.8.5 Again, assuming such action could be justified, the procedures involved would be likely to be protracted most probably involving a public inquiry and subsequent report. The Secretary of State would then have to consider whether to confirm the Order or not.

16.8.6 Pending an attempt through the Courts to abate the current breaches of planning control at Padd Farm, it is not considered advisable to pursue a CPO at present.

16.9 Option 5 / Direct Action

16.9.1 S.106(6) of the TCPA 1990 permits the Council to take direct action to enter into Padd Farm to undertake any work or action required to secure compliance with a S.106 obligation. The cost of direct action may be recovered from the landowner.

16.9.2 S.178 of the TCPA 1990 permits the Council to take direct action to enter into Padd Farm to undertake any work or action required to secure compliance with an enforcement notice. The cost of direct action may be recovered from the landowner.

16.9.3 As with all forms of enforcement the Council is under an obligation to consider fully the implications of direct action upon the personal circumstances of those that would be affected (See the consideration of personal circumstances in Section 17).

16.9.4 Pending an attempt through the Courts to abate the current breaches of planning control at Padd Farm, it not considered advisable to pursue direct action at present.

17. Current Occupants/Personal Circumstances of the Current Occupants of the Site

- 17.1 From the information supplied with an application for a certificate of lawful development in respect of the Garage Flat (Shown numbered 16 on the plan attached as Appendix 'G'), it is known that at least two adults, and two children reside there.
- 17.2 From Council Tax records it is also known that the Cottage shown (shown numbered 1 on the plan attached as Appendix 'G') is in residential occupation and as a consequence of a recent visit by Housing Officers it is known that at least 2 adults and a young child live at 'The Cottage'.
- 17.3 On 11 May 2009, Officers attached a Notice to all 70 caravans / mobile homes at Padd Farm, to advise the occupants that

"The Council has advised Mr and Mrs Beach (who own Padd Farm) that all caravans and/or mobile homes currently situated at Padd Farm (including the caravan or mobile home you occupy), must be removed from Padd Farm, by Sunday, 14 June 2009, otherwise the Council will consider itself able to apply to the High Court for an injunction against Mr and Mrs Beach, requiring them to remove all the caravans and/or mobile homes at Padd Farm (including the caravan or mobile home you occupy).

Consequently, if Mr and Mrs Beach decide to voluntarily remove all the caravans and/or mobile homes that are currently situated at Padd Farm, or they are required to do so by the High Court, you will no longer be able to live in your current caravan or mobile home at Padd Farm.

As the Council is concerned about the effect that requiring the removal of all caravans and/or mobile homes from Padd Farm may have on your housing needs, I would be grateful if you would complete and return to me promptly, no later than by Sunday, 14 June 2009, the attached Personal Circumstances Questionnaire.

Please note that anyone who may be affected by the contents of this letter can discuss their potential housing needs with the Council's Housing Needs Team, which is based at the Runnymede Civic Centre, Station Road, Addlestone, Surrey (Telephone 01932 425811).

This letter is important to you. If you have difficulty in reading or understanding this letter, please seek independent legal advice promptly, or contact Egham Citizens Advice Bureau, High Street, Egham, Surrey TW20 9EA, on 01932 842666 for help".

- 17.4 To date, two Questionnaires have been returned, and one telephone inquiry has been made of the Council by occupants of caravans or mobile homes at Padd Farm, and these have all been referred to the Housing Team.
- 17.5 Most, if not all of the occupants of the caravans or mobile homes currently situated at Padd Farm will have begun their occupation after the S.106 prohibition in respect of the siting of caravans became effective, and Notice F came into effect.

18. Human Rights Act 1998 Considerations

- 18.1 Members will be aware that the European Convention on Human Rights secures certain fundamental human rights. The Human Rights Act 1998 came into force on 2nd October 2000 and enables individuals to invoke their convention rights. The Act makes it unlawful for a local authority to act in a way which is incompatible with a convention right.
- 18.2 The taking of enforcement action, including the issue of injunctive proceedings, can amount to an interference with a person's rights under Article 8. Nonetheless such measures:
- are in accordance with the law **Chapman v United Kingdom (2001)**;
 - pursue the legitimate aim of protecting the rights of others through preservation of the environment; and
 - may be necessary in a democratic society where the interference answers a pressing social need and in particular is proportionate to the legitimate aim pursued.

- 18.3 The proposed action can amount to an interference with the right under Article 1 of the First Protocol to the peaceful enjoyment of the property. Again, however, such interference is permissible if it is in accordance with the law and the public interest.
- 18.4 Article 8 of the Convention states:
- “Right to respect for private and family life*
- Everyone has the right to respect for his private and family life, his home and his correspondence.”*
- There shall be no interference by a public authority with the exercise of this right except if such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the Country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.”*
- 18.5 Article 1 of the First Protocol states:
- “Protection of Property*
- “Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.”*
- “The preceding provisions shall not, however, in any way impair the right of the State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions as penalties.”*
- 18.6 It is recognised that the enforcement action proposed in this report could amount to an Interference with the owners and their family’s home and their private and family life, and their commercial interests, and the private and family life of the occupiers of the Garage, the Cottage, and all the occupiers of the caravans and mobile homes. These interests must be balanced against the public interest in pursuing the legitimate aims in Article 8, particularly the economic well-being of the Country (which includes the preservation of the environment), the objections to the confirmed breaches of planning control on this site being serious and well documented, the breaches themselves being a flagrant and continued abuse of the planning system, and the adverse effect of the continuing breaches on nearby residents.
19. Housing implications
- 19.1 Officers are aware that the proposed curtailment of some of the planning breaches identified in this report will potentially result in the occupants of the Garage Flat, the Cottage, and all of the caravans and mobile homes currently sited at Padd Farm, being made homeless. Consequently, Officers will continue to liaise with the Housing Department as and when necessary regarding homelessness issues.
20. Advice of Counsel
- 20.1 The advice of Counsel in respect of Padd Farm will be verbally reported.
21. Enforcement Policy Priorities
- 21.1 The Committee considered the problem of addressing the large numbers of enforcement complaints in the borough at its meetings in February 2006, May 2006, May 2007 and January 2008.
- 21.2 The Committee at its meeting on 20 January 2008 Resolved (Min. 504 i) d) that
- “breaches of planning control be prioritised and responded to for investigation in accordance with the table (as amended) set out in the preamble of this Minute”,*
- and the table referred to prioritised enforcement cases into High, Medium or Low priorities.

- 21.3 The breaches of control at Padd Farm referred to in this report are considered to be a High Priority, because they amount to:

“Breaches of planning control or conditions which results in serious harm to amenity in a neighbourhood and affects a number of parties”.

22. Resource implications

- 22.1 Attempts to enforce planning controls in respect of the site have occupied a significant amount of Officer time, formal legal advice (both internal and external) having been obtained, and resource implications incurred over 20 years. The continuing work associated with attempts to enforce planning controls at this site, including work required for the forthcoming enforcement notice appeals Public Inquiry in November 2009 (and which may last approximately 6 days) has required the use of extra planning consultants, and two Barristers (on separate issues). The cost of external advice alone over the last year is approximately £50,000. Consequently supplementary estimates will be required to finance these and future costs. In addition, considerable Officer time in Planning and Legal Services has been incurred in dealing with Padd Farm, and wider planning issues in the Hurst Lane area. Liaison has also taken place with Surrey Police in respect of alleged anti-social behaviour emanating from illegal planning uses at Padd Farm. It is expected that considerable Officer time will be taken up by these matters up to and beyond the forthcoming November 2009 public inquiry in respect of the Enforcement Notices issued in February 2009.

23. Conclusions

- 23.1 Members must fully and fairly balance the considerations referred to in this report when deciding to authorise any of the actions referred to in Section 16 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 18 and will wish to consider whether the action they authorise is a proportionate remedy in all the circumstances of the case.
- 23.2 Members must take into account all the considerations material to this case. On the one hand there are the personal circumstances of the occupants and/or their families, the likely distress and difficulties caused by the institution of any proceedings and the convention rights of the owners, their family and all other residential occupants at Padd Farm. 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.
- 23.3 In view of the landowner's continued refusal to comply with planning legislation and continued breaches thereof, Officers consider that further action is necessary to secure a cessation of the current breaches of planning control.
- 23.4 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.
- 23.5 The Officers recommend that option 2 (Prosecution) and option 3 (Injunction) set out above are the most appropriate courses of action.

OFFICERS' RECOMMENDATION that –

the Director of Administration and Leisure be authorised to undertake the following actions:-

- i) an injunction be applied for to prevent:**
- a) the siting of caravans and mobile homes, and**
 - b) the residential use of the Garage Flat, and**

- c) **the residential use of the Cottage;
at Padd Farm, in contravention of the 1993 S.106 Obligation.**
- ii) **An injunction be applied for to prevent:**
 - a) **any contraventions of Enforcement Notice E, and**
 - b) **any contraventions of Enforcement Notice F;**
- iii) **a criminal prosecution be commenced in respect of any contraventions of Enforcement Notice E; and**
- iv) **a criminal prosecution be commenced in respect of any contraventions of Enforcement Notice F.**

(TO RESOLVE)

Background Papers

Exempt.

9. FINANCIAL MONITORING STATEMENT (DF)

1. Purpose of Report

1.1 **To inform the Committee of the latest financial projections for the 2009/10 financial year for Planning and Development services.**

2. Background Information

2.1 The Financial Monitoring Statement was introduced to all Committees in September 2006 to inform Members of the current financial position of the services under the remit of each Committee.

2.2 Each statement reflects an updated position based upon the 2009/10 original estimates approved by this Committee in January. The Financial Forecast previously approved by Council in December 2008 has now been updated to reflect changes made during the updating of the Council's Revenue estimates.

3. Report

3.1 The statement at Appendix 'H' is split into three distinct parts:

- Projected budget and forecast
- Savings still to be delivered
- Current year key budget indicators

3.2 The Projected budget and forecast sections show the anticipated variations in the current year's budget. These variations are categorised as approved changes and other potential changes. Implications for the following three years are included for completeness so that the full-year effect of any changes can be seen.

3.3 The achievement of the revenue reductions programme approved by the Council is one of the Council's key performance indicators. Savings targets not yet achieved are reported in the second section of each statement. These savings are all incorporated into the projected budget and forecast figures in section one.

3.4 The final section sets out the key budget indicators for the significant areas of this Committee's budget. This indicates the actual income received set against the amount expected (the budget) for the period covered by each statement. As with the same period last year there is a significant reduction in Planning Applications fees and Building Control fees in the first two months of the financial year and Officers are monitoring the position

closely. However, developer contributions for staff costs on the former DERA site will need to be factored into the planning fee income.

(FOR INFORMATION)

Background Papers

None stated.

10. APPEAL DECISIONS

The Planning Inspectorate has recently determined the appeals mentioned below. Appeal decision a) is available for inspection in the Members' Room. A copy of the appeal decision b) is attached at Appendix 'I'.

	<u>Site/Development</u>	<u>Decision</u>
a)	Vicarage Wood House, Longcross Road, Longcross – planning appeal regarding a two-storey extension (RU 08/0812)	DISMISSED
b)	'The Oaks' Lyne Lane, Lyne – Appeal against a failure to give notice of decision on an application for a Certificate of Lawful use for use of land for sale, servicing, maintenance and storage of motor vehicles and storage of caravans and boats, and erection of a workshop building and office/storage building RU 08/0438)	PART ALLOWED/DISMISSED COSTS AWARDED TO COUNCIL

(FOR INFORMATION)

Background Papers

Appeal decisions.

11. STANDING ORDER 42 – URGENT ACTION

The following action has been taken after consultation with the Chairman of the Committee under Standing Order 42.

<u>Officer</u>	<u>Action Taken</u>	<u>Central Index No.</u>
Director of Technical Services	50 Copperfield Rise, Addlestone – Making of a Tree Preservation Order	694

(FOR INFORMATION)

Background Papers

SO 694 on DAL SO42 file.

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

(FOR INFORMATION)

Background Papers

None

13. 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)