

Planning Committee

Wednesday 13 May 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 M Edwards, J R Furey, Mrs E Gill, C Knight, M T Kusneraitis, Mrs Y P Lay, H W V Meares, Mrs M Roberts, N Stewert, P B Tuley and one vacancy.

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, Runnymede 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, or view the guidance on the Committee's web page. **(Tel Direct Line: 01932 425153)**
- 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 22 April 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 the Technical Services Department.

7. LAND TO REAR OF SOUTHBECK, RUXBURY ROAD, CHERTSEY - ENFORCEMENT (DTS)

1. Purpose of Report

- 1.1 **To seek authority for enforcement action in respect of the unauthorised material change of use of land for commercial equestrian purposes, the siting of 2 no x portacabins (office and WC) and 2 no x buildings.**
- 1.2 **To seek authority for enforcement action in respect of the unauthorised operational development comprising stables, a building, septic tank, sand school, hardstanding and floodlighting.**

2. Site Description

- 2.1 The site comprises an area of land of some approximately 5 hectares (13 acres) located to the south of Southbeck in Ruxbury Road. The land extends to the Chertsey/Egham railway line and the site also adjoins the rear gardens of a number of other residential properties fronting Ruxbury Road.
- 2.2 There is an existing vehicular track running through part of the site (to the west of Southbeck) from Ruxbury Road which provides access to two farms adjacent to the site known as Lynefield Farm and Hillside Farm. There is also a public footpath (FP40) which runs through the site from north to south connecting Ruxbury Road and Watery Lane.
- 2.3 The site falls within the Metropolitan Green Belt.

3. Site History

- 3.1 The most relevant history is set out below:
- 3.2 Article 4 Direction dated 19 June 1978 – Prohibits the use of the land for temporary buildings and uses normally permitted by virtue of Class IV of Schedule 1 to the Town and Country Planning General Development Order 1977. Class IV controls the use of land (other than a building or the curtilage of a building) for any purpose or purposes except as a caravan site on not more than 28 days in total in any calendar year (of which not more than 14 days in total may be devoted to use for the purpose of motor car or motor-cycle racing or for the purpose of holding markets) and the erection or placing of moveable structures on the land for the purposes of that use.
- 3.3 *RU 89/1276*: Retrospective application for the erection of stables for use as equestrian family unit with some boxes as calf pens, pig rearing unit and isolation area. Refused 06.02.90
- 3.4 An Enforcement Notice was served in March 1990 alleging the erection of an open sided barn, the erection and construction of 8 no x stable boxes with tack room and the erection of 2 metre high fencing and gates and the creation of hardstanding. An appeal against the Enforcement Notice was dismissed and the Notice upheld in January 1991. (The current owner of the site was not the owner at that time)
- 3.5 An Enforcement Notice was served in July 1990 alleging the change of use of the land or premises from residential purposes to mixed use for residential purposes and a commercial haulage business. An appeal against the Enforcement Notice was dismissed and the Notice upheld with correction in May 1991.
- 3.6 *RU 91/0536*: Retention of 7no x stables and tack room. Refused 26.07.91
- 3.7 *RU 95/0472*: Erection of stable block comprising 6 no x stables and tack room following demolition of 3 no x existing stables. Granted 11.07.95. It does not appear from the aerial photographs dated 1998 and 2003 which the Council holds that this permission was implemented.

- 3.8 A Planning Contravention Notice in relation to the stationing of a caravan/mobile home on part of the site was served on the owner of the site on 19 January 2006. No response to the notice was received.
- 3.9 A further Planning Contravention Notice in relation to the stationing of a caravan/mobile home on part of the site was served on the owner of the site on 21 February 2006. No response to the Notice was received.
- 3.10 *RU 06/0982*: Proposed horse stables and open sand school with associated fencing, security gates and fencing and 2 no x 8 metre high floodlights. Refused 30.11.06. The application was refused for two reasons: the first being that the proposal, by reason of the stables, fencing, gates and floodlighting associated with the manege comprised inappropriate development which was harmful to the openness and visual amenities of the Green Belt and the second being that by reason of the siting and scale of the stable building, the intensification of the land and buildings the proposal would be unacceptably harmful to the amenities of the nearby residential occupiers.
- 3.11 In December 2007, an invalid application was received for the "erection of three linked buildings providing 6 no x stables adjacent to footpath at north east corner of the site (retrospective) and formation of manege in southern part of the site and one 8m high floodlight." This application was invalid and was not proceeded with.
- 3.12 A Planning Contravention Notice was served on the owner of the site on 27 June 2008. The response from the owner's agent was received on 5 September 2008. In response to the Planning Contravention Notice, the owner stated that the intended use of the whole site was for the purpose of dressage, specialising in the treatment of horses with temperament problems and whilst recuperating from injury and illness and also restoring competition horses which have "broken down".
- 3.13 The agent, acting on behalf of the owner of the site, has consistently advised Planning Officers that an application in respect of the unauthorised development will be forthcoming. However, to date, no such application has been received.
- 3.14 During the investigations of the unauthorised stables on the land, allegations that Southbeck is being used as a car repair place have also been made and these are currently being investigated. It is envisaged that a Planning Contravention Notice will be served in respect of this matter so that a separate enforcement investigation can be progressed.

4. Unauthorised Development

- 4.1 The alleged unauthorised material changes of use on this site are:
- i) The use of the land for commercial equestrian purposes, including a range of liveries, riding lessons, treatment of horses and lunging etc.
 - ii) The siting of a portacabin/flat roof structure located to the north west of the stable blocks which appears to house WC facilities;
 - iii) The use of the land for the siting of a portacabin/flat roof structure located to the south-east of the stable block comprising an office;
 - iv) The siting of 2 no x buildings in the triangular shaped piece of land; and
 - v) The siting of a container to the north west of the stable block containing diesel which are all used in connection with the keeping of horses on the land.
- 4.2 These developments represent a material change of use of the land and, therefore, require planning permission. No planning application has been received for the above unauthorised development.
- 4.3 The unauthorised operational development on this site comprises:
- i) the construction of 15 no x stables arranged in two L-shaped stable blocks located back to back (called stable block 1 for ease of reference). On one side is 6 no x stables with the return being used for storage (hay barn) and the other stable block

having 6 no x stables on the longer part with 3 no stables on the return (used for tack/storage) (called Block 2 for ease of reference). These stables are shown on the photographs at Appendix 'B(i)'.

- ii) a septic tank;
- iii) a sand school located to the south east of the public right of way which dissects the site (this is shown on a photograph at Appendix 'B(ii)');
- iv) 6 no x poles approximately 6-8 metres in height each with a floodlight attached around the sand school;
- v) detached mono-pitched building located to the south east of the public right of way;
- vi) an area of storage adjacent to the mono-pitched building including a digger, cement mixer, timbers and other items;
- vii) Hardstanding/timber surfacing associated with stable block 1 and 2; and
- viii) Hardstanding comprising access track to stable block 1.

These developments represent operational development for which planning permission is required. No planning application has been received for the above unauthorised developments.

- 4.4 The owner's agent wrote to the Council in October 2008 to advise that a planning application would be submitted by Friday, 8 November 2008. The Council was then further advised that an application would be forthcoming in March 2009. However, no such application has been received.
- 4.5 As detailed at paragraph 3.10 above planning permission was refused in 2006 (RU 06/0982) for the erection of stables and associated facilities on the site. The 2006 application was submitted by the current owner of the site who has owned the site since September 2005.
- 4.6 The site and the activities being carried on and the structures which have been erected on the site have been the subject of a number of enforcement complaints.
- 4.7 In order to be lawful and immune from enforcement action, the material changes of use of land need to have occurred in excess of 10 years ago ('10 year rule') and for operational development to be lawful they would need to have existed on the site for a period in excess of 4 years ('4 year rule').
- 4.8 In October 2006, the Case Officer undertook a site visit in connection with the planning application RU 06/0982. The site notes of the site visit do not indicate that there were any buildings or structures on the site at that time. In response to the Planning Contravention Notice served in June 2008, the owner of the site stated that the twelve stables were erected in February 2008. The sand school was constructed later than the stables as this was not shown on the aerial photographs which the Council holds and which were taken in February 2008. Therefore, neither the material change of use nor the building operations are considered to be immune from formal enforcement action.

5. Planning Considerations

- 5.1 Section 55 of the Town and Country Planning Act 1990 advises that the statutory definition of development includes the carrying out of building, engineering and other operations, and the making of any material change in the use of land. As there are no permitted development rights relating to the use of land or building operations in connection with equestrian uses, prior planning permission is required for the developments which have taken place on the land.
- 5.2 Planning Policy Guidance Note 2: 'Green Belts' (PPG2) advises in paragraph 3.4 what development is inappropriate in the Green Belt. There is a general presumption against inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and that it is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist

unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Paragraph 3.4 of PPG2, advises that the construction of new buildings within the Green Belt is inappropriate unless it is for the purposes set out in the paragraph. The second exception is "essential facilities for outdoor sport and recreation, for cemeteries and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it. Paragraph 3.5 further advises that *"essential facilities should be genuinely required for uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it. Possible examples of such facilities include small changing rooms or unobtrusive spectator accommodation for outdoor sport, or small stables for outdoor sport and outdoor recreation."* However, what constitutes small stables is not defined any further. In respect of land uses, the use of land for a particular use is inappropriate development unless the use of land maintains the openness of the Green Belt and does not conflict with the purposes of including land in the Green Belt.

- 5.3 In addition extensive hardstanding is also given elsewhere in PPG2 as an example of development that can affect the openness and purposes of the Green Belt and concerns are also raised that the visual amenities of the Green Belt are detrimentally harmed by the unauthorised development which also includes the floodlighting of the sand school.
- 5.4 Saved Local Plan Policies GB1 and GB5 reflect the guidance contained in PPG2. Saved Local Plan Policy NE10 also identifies this area as a Landscape Problem Area where land has become fragmented and sporadic and untidy development have placed further pressure on the area. Saved Local Plan Policy BE21 also relates to horse developments which are required to meet all the criteria of the policy and advises that the Council will have regard to any adverse impact on the environmental character or landscape of the area, including the possible over-use and deterioration of the site.
- 5.5 The site prior to the construction of the above unauthorised developments comprised only pasture/grassland.
- 5.6 As noted in paragraph 5.2 above, only changes of use which maintain the openness of the Green Belt are permitted and any new buildings must comprise essential facilities and be small in scale to be permitted. In this case, the use of the land as a commercial equestrian enterprise, the stables and associated buildings and facilities e.g. sand school with floodlights are considered to be extensive within this sensitive Green Belt location and those facilities are widely spread across the site. Until recently the stables were being rented to a third party and appeared on a web site where a range of liveries (from grass livery to full livery) were being offered and schooling, lunging and riding lessons were also being offered. It is understood that this occupier has since vacated the stables, although the stables are still being offered to prospective tenants despite there being no planning permission. The use of the site for commercial equestrian purposes has resulted in an intensification in the use of the land. The intensification in the land results from the variety of structures and facilities being located on the land and the use of the stables and facilities for commercial equestrian purposes including the increase in the activity associated with the use of the site and the facilities required in connection with those uses e.g. extensive hardstanding, office, toilet, "muck-heap" which are detrimental to the openness and visual amenities of the Green Belt,
- 5.7 In addition, the building comprising 15 no x stables and the storage barn and the detached mono-pitched building to the south east of the public right of way are not considered to be small scale and these buildings are not considered to comprise essential facilities. The Council has also sought advice from an Equestrian Consultant, and, whilst it is noted that the site area is capable of supporting a number of horses, this is much less than the number of stables that are currently on the site. There is no evidence that the owner of the land owns any of the horses on the site. Indeed, during a site visit on 1 April 2009 it was noted that there were no horses on the site. Similarly, it is also known that the owner of the site does not live at Southbeck. Despite the large size of the stables and buildings, it is not considered that any of the stables comprise essential facilities for the owner of the site. It is therefore concluded that the owner of the site has most likely built the stables on the site for commercial purposes. Furthermore, the large areas of hardstanding which have been constructed within the site are also unacceptable in Green Belt policy terms as they result in an urbanising form of development in a rural setting and comprise inappropriate development. Similarly the sand school and the floodlighting further results in the spread of development across the site and the further urbanising of the site. No regard has been given

by the owner of the site to the scale and spread of the development and their impact on the openness and purposes of the Green Belt.

- 5.8 It should also be noted that an enforcement appeal was dismissed in 1991 (see paragraph 3.4 above) for the erection of stables and a tack room in a similar position to where the current unauthorised stables are located. The current unauthorised developments lie outside the site area of the Enforcement Notice upheld on appeal in January 1991. Consequently the current unauthorised development does not constitute non-compliance with the effective 1991 Enforcement Notice. In these circumstances fresh enforcement action needs to be instigated.
- 5.9 In addition, the Council has recently received an appeal decision in respect of a different site, whereby there was a significant amount of unauthorised horse related developments and the approach taken by the Council in seeking to minimise the amount and spread of development on the site in the Green Belt was supported by the Inspector. In this latter case the Inspector considered that the use of the land and the associated operational developments, by reason of their use, size, scale, location and the amount and spread of development on this land diminished the openness of the Green Belt and had a detrimental effect on its character.
- 5.10 The applicant has not indicated any very special circumstances which would overcome the harm caused to the Green Belt by the unauthorised developments.
- 5.11 As noted above the site is accessed by a narrow track to the side of Southbeck. This track also serves Lynefield Farm and Hillside Farm. There is also a public footpath which runs through the site. The unauthorised development is clearly visible from this public footpath.
- 5.12 The County Highway Authority has been consulted on the access arrangements in connection with the unauthorised development on the site. As yet no formal response has been received and any comments will be reported verbally to the Planning Committee.
- 5.13 For the reasons outlined above, it is recommended that the above unauthorised developments cause considerable harm to the Green Belt, through inappropriateness, the reduction in openness and urbanising encroachment and the detrimental impact on the visual amenities of the Green Belt.

6. Enforcement Considerations

- 6.1 Planning Policy Guidance Note 18: 'Enforcing Planning Control' (PPG18) indicates that in considering any enforcement action, the decisive issue should be whether the breach would unacceptably affect public amenity or the existing use of the land meriting protection in the public interest. The decision as to whether or not it is expedient to take formal enforcement action is at the Planning Authority's sole discretion but regard must be had to planning policies and the circumstances of the planning breach. The decision must not be unreasonable or taken without proper consideration of the relevant facts and planning issues, or based on non-planning grounds.
- 6.2 As stated above in paragraph 5.8, there is an effective enforcement notice on part of this larger site for the erection of 8 no x stables with tack room. The current unauthorised development (15 stables with a tackroom, floodlit sand school etc), whilst in a different position, far exceeds the scale of the previous unauthorised horse-related development on this site.
- 6.3 It should be noted however, that planning permission was granted in 1995 for the erection of 6 stables and a tack room in the small triangular shaped piece of land (closer to the Ruxbury Road). This permission was conditioned to be for private use only and ancillary to the residential use of the property at Southbeck. Mindful of this planning history, it is considered that 6 no x stables and a tack room for personal use only and ancillary to the occupation of the property known as Southbeck is unlikely to be objectionable. The current unauthorised development far exceeds the scale of this permitted scheme.
- 6.4 Paragraphs 14 to 17 consider the effect of unauthorised development by small businesses. Paragraph 35 of Planning Policy Guidance Note 4 : 'Industrial, Commercial Development and Small Firms' (PPG4) addresses the issues of whether it is expedient to take enforcement action in relation to small businesses and the effect this may have on the operation of the

business concerned. Officers believe the owner is well aware of the need for planning permission and the sensitivity of the Green Belt in this location.

- 6.5 As set out in this report, the current unauthorised development is large, excessive and spread across the site. There is no evidence to suggest that this development is connected with the personal use of the applicant. On the contrary, this development appears to be a solely commercial operation (see paragraph 3.12 above).
- 6.6 Following the refusal of planning application (RU.06/0982) the current owner of the land sought advice from Officers in October 2007. The landowner and his agent are well aware of the need for planning permission for the unauthorised development and have been given ample opportunity to submit a valid application for the unauthorised development (see paragraph 4.3 above). Unfortunately, a valid application has not been received for a smaller more acceptable proposal as outlined above in paragraph 6.3 or to regularise the current unauthorised development.
- 6.7 The breaches of planning control are considered to be inappropriate development in the Green Belt where no very special circumstances have been put forward to outweigh the harm caused to the Green Belt. It is considered expedient and necessary to take enforcement action to remedy the detriment to the openness and visual amenities of the Green Belt. Enforcement action is therefore recommended to cease the unauthorised use, demolish or remove the unauthorised developments and return the land to its original condition.
7. Human Rights Act 1998 Considerations
- 7.1 The Committee is reminded of the European Convention on Human Rights Article 8, the right to respect for private and family life and the home, and Article 1 of the First Protocol, the right to peaceful enjoyment of possessions. Any interference with those rights must be in accordance with the law, proportionate and necessary in a democratic society. The Committee must not act in a way which is incompatible with convention rights. It is recognised that in this case, enforcement action could amount to an interference with the rights of the applicant. However, Members must balance the interference with the rights, which taking enforcement action would represent, and the public interest in protecting the openness of the Green Belt.
- 7.2 The taking of enforcement action can amount to an interference with a person's rights. Nonetheless, such measures can be taken if they:
- Are in accordance with the law;
 - Pursue the legitimate aim of protecting the rights of others through preservation of the environment and the Green Belt; and
 - Are necessary in a democratic society where the interference answers a pressing social need and in particular is proportionate to the legitimate aim.
- 7.3 It is recognised that the enforcement action proposed in this report could amount to an interference with the landowner and his family's home and his private and family life (which fall within the protection of and are consistent with the objective and purposes of Article 8). Those interests must be balanced against the public interest in pursuing the legitimate aims in Article 8.
- 7.4 The local planning authority has given advice to the applicant and provided the applicant with ample opportunity for the submission of a valid planning application, in order to obtain a satisfactory form of development within this sensitive Green Belt location, and avoid the need for formal enforcement action. The owner, however, has failed to submit a valid application within the prescribed timescale for appropriate stables and associated development within the site.
- 7.5 It is considered to be important to ensure that the unauthorised development does not become lawful. Consequently, it is considered that enforcement notices should be served on this site before these unauthorised developments become lawful. In any event the interference with the family's home rights must be balanced against the public interest in pursuing the legitimate aims in Article 8 particularly the economic well-being of the country

(which includes the preservation of the environment and the Green Belt) and the breaches themselves.

- 7.6 Regard must be paid to the human rights of the landowner, his family and the potential difficulties caused by the service of any statutory notices or institution of any proceedings. Any action authorised must be a proportionate remedy in the circumstances of the case. This must be balanced against the identified harm to the Green Belt and the flagrant abuse of the planning system.
8. Equalities Issues
- 8.1 No Equality Issues have been identified.
9. Financial Considerations
- 9.1 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.
10. Conclusion
- 10.1 Members must fully and fairly balance the considerations referred to in this report when deciding to authorise any of the actions referred to in Sections 5, 6 and 7 to bring an end to the continuing breaches of planning control. Members will wish to have regard to the human rights issues detailed in Section 7 and will wish to consider whether the action they authorise is a proportionate remedy in all the circumstances of the case.
- 10.2 Members must take into account all the considerations material to this case. On the one hand there are the personal circumstances of the families; the likely distress and difficulties caused by the service of any statutory notices or the institution of any proceedings and the convention rights of the owner, his family and any people renting buildings or land. 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.
- 10.3 In view of the owner'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 and prevention of any further breaches of planning control in the future.
- 10.4 The Committee is requested to consider all the facts and the issues in relation to this case and determine whether further legal action is both reasonable, compatible with the Human Rights Act 1998, proportionate to the legitimate aim being pursued, and necessary to bring about the cessation of the continuing breaches of planning control and prevention of further breaches of planning control.

OFFICERS' RECOMMENDATION that –

- i) the Director of Administration and Leisure be authorised to issue Enforcement Notice(s) under Section 172 of the Town and Country Planning Act 1990 (as amended) relating to the following matters:**

[Material Change of Use]

- i) the cessation of the unauthorised change of use of the land for the use for commercial equestrian purposes including, but not limited to the use for liveryes, schooling, treatment of horses and the provision of riding lessons;**
- ii) the removal of the portacabin/flat roof structure (housing WC facilities) located to the north west of the unauthorised stable block(s), and the removal of all the resultant materials, debris and rubble from the site;**

- iii) the removal of a portacabin/flat roof structure (housing site office) located to the south-east of the unauthorised stable block, and the removal of all resultant debris and rubble from the site;
- iv) the removal of 2no. buildings in the triangular shaped piece of land directly to the rear boundary of the gardens of the properties fronting Ruxbury Road, and the removal of all resultant debris and rubble from the site;
- v) the removal of the container to the north west of the unauthorised stable block containing diesel and the removal of all resultant debris and rubble from the site;
- vi) the removal of the items adjacent to stable block 2 including a digger, cement mixer, timbers and other items from the site;

[Operational Development]

- vii) the demolition and removal of the unauthorised stable block(s) comprising 15 no. stables arranged in two L-shaped stable blocks located back to back, and the removal of all the resultant materials, debris and rubble from the site and the reinstatement of the land to its former condition.
 - viii) to dig up and remove the septic tank and to reinstate land to its former condition;
 - ix) the demolition and removal of the sand yard/sand school located to the south east of the public right of way which dissects the site, and the removal of all of the resultant debris/hard core/road scalplings and rubble from the site including the two mounds of earth positioned adjacent to the sand yard/sand school;
 - x) the removal of 6 no x poles approximately 6-8 metres in height each with a floodlight attached around the sand yard/sand school and the removal of the poles and floodlights from the site;
 - xi) the demolition and removal of the detached mono-pitched building located to the south east of the public right of way, and the removal of all resultant debris and rubble from the site;
 - xii) to dig up and remove all hardstanding areas/timber surfacing in and around the vicinity of the 15no stables and the removal of all resultant debris and rubble from the site and the reinstatement of the land to its former condition;
 - xiii) to dig up and remove the hardstanding comprising a track to the stable block comprising 15 no stables and the removal of all resultant debris and rubble from the site and the reinstatement of the land to its former condition;
- (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 change of use of the land for use for commercial equestrian purposes and the use of the land for the

siting of portacabins, buildings and associated plant, machinery and open storage items constitutes an inappropriate and harmful development within the Green Belt resulting in an undesirable spread of development and intensification of uses on the site which have a detrimental impact on the openness and visual amenities of the Green Belt and would conflict with the purposes of the Green Belt contrary to the advice contained within Planning Policy Guidance Note 2: Green Belts and conflicts with saved Policy LO4 of the Surrey Structure Plan 2004 and saved Policies GB1, GB5, NE10 and BE21 of the Runnymede Borough Local Plan Second Alteration April 2001.

2. **The unauthorised stables, tack rooms, floodlit sand school, additional buildings, hardstandings and septic tank are not considered to be an essential facility for outdoor sport and recreation within this sensitive Green Belt location. The developments are inappropriate and harmful within the Green Belt which, given the size, scale, design, layout, spread and intensification of development and associated uses within the site, would have a detrimental impact upon the openness and visual amenities and would conflict with the purposes of the Green Belt, contrary to advice contained within Planning Policy Guidance Note 2: Green Belts and the unauthorised developments therefore conflict with saved Policy LO4 of the Surrey Structure Plan 2004 and saved Policies GB1, GB5, NE10 and BE21 of the Runnymede Borough Local Plan Second Alteration April 2001.**
3. **The Planning Authority do not consider that very special circumstances have been put forward in order to justify the granting of planning permission, contrary to saved Policy LO4 of the Surrey Structure Plan 2004, and saved Policies GB1, GB5, BE21 and NE10 of the Runnymede Borough Local Plan Second Alteration 2001, and advice contained within Planning Policy Guidance Note 2: 'Green Belts'.**

(TO RESOLVE)

Background Papers

Planning application RU 06/0982
Planning application RU 05/0472
Planning application RU 91/0536
Enforcement Notices served in March and July 1990
Enforcement appeal decisions in January and May 1991
Planning Contravention Notice served in June 2008

8. LAND AT HURST LODGE, HURST LANE, EGHAM – ENFORCEMENT (DTS)

1. **Purpose of Report**

- 1.1 **The purpose of this report is to inform the Committee about breaches of planning control at Hurst Lodge, Hurst Lane, Egham and to recommend that Enforcement Action be authorised to remedy certain breaches.**

2. Site Description

- 2.1 Hurst Lodge is a site within the Green Belt area of Egham and lies on the western side of Hurst Lane. It had a primary use as a residential site, but as a result of enlargement of the site and the use of buildings for business purposes, is now considered to be in mixed use for residential and commercial purposes. The site has a U-shaped configuration with a separate residential dwelling, West View, located between the wings of the site. There are also residential dwellings to the north and south of the site (Hillmead and Woodcote). The site contains a number of buildings which have become lawful and several unauthorised and unlawful buildings, and areas of hardstanding much of which is used for open storage. A site plan is attached at Appendix 'C' with the relevant buildings marked and annotated.

3. Background Information

- 3.1 The site is linked to Padd Farm on the eastern side of Hurst Lane as they are owned by two members of the same family. During the course of investigations and appeals at Padd Farm it became apparent that a mobile home (Building A on the plan) was being occupied at Hurst Lodge separately from the main dwelling. An Enforcement Notice was issued in May 2008 as the mobile home was considered to be unlawful. However, after letters were sent to local residents and following further investigations, it was concluded that the mobile home was lawful. The Enforcement Notice was withdrawn on 27 January 2009. On subsequent site visits, other breaches of planning control were observed which are the subject of this report.

- 3.2 From the evidence of site visits and aerial photographs it is considered that two buildings have been erected on the site within the last four years without planning permission. These are:

Building G: Single storey building located in the centre of the site close to the northern boundary subdivided into five sections for the storage of horse-related equipment, three stables for cob horses, and open storage in a fifth enclosure.

Building I: Single storey building located at the front of the site behind a paddock to the north of West View for two stables and storage of a driving carriage.

- 3.3 An existing single storey building in the centre of the site close to the southern boundary (Building D) has been present on the site for a period in excess of 10 years. From the evidence of site visits and Business Rates records, the use of the building changed in approximately November 2008 to use as a retail shop (Class A1) without planning permission. The shop sells tack and other items related to the keeping and riding of horses. It is therefore considered that a material change of use has occurred which requires planning permission.
- 3.4 The landowner's agent has submitted a letter stating that the owner is prepared to demolish Building I in order to retain Building G. The owner sees Building G as being essential to the keeping of horses on the land in the interests of animal welfare.

4. Planning Considerations

- 4.1 The site lies within the Green Belt. Planning Policy Guidance Note 2: Green Belts (PPG2) states that the fundamental aim is to prevent urban sprawl by keeping land permanently open and the most important attribute of Green Belts is their openness. PPG2 also states that there is a general presumption against inappropriate development within Green Belts which is, by definition, harmful. Such development should not be approved except in very special circumstances. PPG2 defines the circumstances where new buildings are acceptable within the Green Belt. Saved Policy GB1 of the Local Plan reaffirms that there is a strong presumption against development that would conflict with the purposes of the green belt or adversely affect its open character. Saved Policy GB5 permits small essential facilities for outdoor recreation, and Saved Policy GB7 permits the re-use of rural buildings. The buildings are considered in turn as follows.
- 4.2 Buildings G and I comprise stables and storage for horse related items, and domestic storage. The first issue to consider is whether either of these buildings comprise appropriate development within the Green Belt. One such type of appropriate development is a building providing essential facilities for outdoor sport and recreation. Paragraph 3.5 of PPG2 states that the essential facilities should be genuinely required for the use of the land which preserves the openness of the Green Belt. Examples are given including small stables.

Saved Policy GB5 in the Local Plan also confirms that essential facilities should be genuinely required for the use of the land. In addition, the policy only allows new buildings when it has been demonstrated that the re-use and adaptation of existing buildings is impractical. Where such circumstances exist, the scale of any new building is to be the minimum size necessary to support the use.

- 4.3 In the majority of cases where stables are proposed, these usually comprise small scale facilities within open grazing land. In the case of Hurst Lodge, the site is mixed residential/commercial use with space mainly taken up by buildings and areas of hardstanding used for open storage and parking. The only space for grazing is limited to a small open area at the front eastern corner of the site adjacent to Building I and only offers very limited space for riding. The owner has confirmed that he owns a total of 30 horses with 10 of these being kept on the site. In total, there are 8 stables on the site, three within Building H (a lawful building), three in Building G and two in Building I, both unlawful. Given the very restricted area of paddock at the front of the site, and the three existing stables in Building H, it is therefore concluded that the additional stables in Buildings G and I are in excess of what can reasonably be considered as small stables essential for the recreational use of the site as the site is not used for recreational purposes and 8 stables has been held not to be 'small scale'. The stables therefore fall outside the criteria of PPG2 and GB5.
- 4.4 In addition to the stables, Building G is also used for storage of equipment used for horses and domestic storage, and Building I is used for the storage of a horse carriage. PPG2 does not include a category for storage within the definition of appropriate development. There are other lawful buildings within the site which are available for the landowner to store the carriage, horse equipment and domestic items in. The buildings therefore do not comply with saved Policies GB1 and GB5, and are contrary to PPG2. It is therefore concluded that buildings G and I represent inappropriate development in the Green Belt and are therefore harmful by definition.
- 4.5 The erection of the unauthorised buildings has an impact on the openness and visual amenities of the Green Belt. Building I is located to the rear of the paddock close to the front of the site near Hurst Lane. It extends across the full width of this wing of the site and is clearly visible from Hurst Lane. Although it is single storey, it has encroached into previously open land and increased the spread development within an existing highly developed site. Building G is a larger building with higher eaves, positioned close to the boundary with West View, but also clearly visible from outside the site. It is considered that this larger building in combination with the other buildings on the site further intensifies the built form within the site with a resultant harmful impact on the openness and visual amenities of the Green Belt.
- 4.6 PPG2 states that the onus is on the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations. During the course of discussions with the landowner, no such very special circumstances have been disclosed or proposed by the landowner or his agent.
- 4.7 The unauthorised stables (Building I) is located in close proximity to the side boundary, and approximately 4 metres from the neighbouring property 'West View'. The paddock is located to the side of this property and the other neighbouring property to the north, 'Hillmead'. It is considered that the stable building and the keeping of horses in close proximity to these two residential properties is unneighbourly and detrimental to residential amenities in terms of general disturbance, noise and smells.
- 4.8 Building D has been present on the site for a period in excess of 4 years and has become lawful. However, its use as a retail shop only commenced in November 2008 according to Business Rates records. PPG2 comments that the re-use of existing buildings within the Green Belt is not inappropriate development subject to certain criteria which relate to its impact on the openness of the Green Belt, environmental and traffic issues. Saved Policy GB7 of the Local Plan also permits the re-use of rural buildings subject to criteria, of which the most relevant is "there will be no detrimental effect on the rural character and appearance of the area or residential and visual amenities of adjoining properties".
- 4.9 The site is in a remote location and does not satisfy the usual sequential approach to the location of new retail development. However, the retail use is low key with limited visitors. No complaints have been received in respect of the shop. It is operated by a member of the

family occupying the site and performs a service to the local community. If a planning application was to be submitted to regularise this use, the opportunity would be available to the Council to impose conditions to restrict the use to its current low level and to prevent future use by other operators. It is therefore considered that although a breach of planning control has occurred, it is not expedient or in the public interest to take further action in relation to this particular use of this lawful building. The landowner has been invited to submit an application.

- 4.10 Officers have also investigated other alleged breaches of planning control at the site. A chimney has been erected at the south west corner of Building E which is used by a timber window company. The chimney provides an air inlet to improve working conditions inside the unit. The chimney was originally tall and painted blue with a shiny metal top. The chimney has subsequently been reduced in height and painted green. The chimney is within the central part of the site and partially screened from surrounding land by other buildings, and due to the reduction in height and change in colour, it is considered that its impact on the visual amenities and openness of the Green Belt is limited, and no further action is recommended.
- 4.11 A small building has been erected in the north west corner of the site next to Building E which is used as a toilet and washing facility by the operators of the timber window company and the fork lift truck company who occupy Building E. This is a relatively small building providing an essential facility for the existing businesses at the site.
- 4.12 A shed has been erected close to the southern boundary with Woodcote, and is used for domestic storage in association with a dwelling occupied by the landowner's son and family next to the shop. However, because of their small scale and limited impact on the openness of the Green Belt, it is not considered expedient or in the public interest to take further action in relation to these two buildings.

5. Enforcement Considerations

- 5.1 This section of the report considers whether or not it is expedient to take enforcement action against the unauthorised erection of the two buildings G and I within the Green Belt. Planning Policy Guidance Note 18: Enforcing Planning Control (PPG18) indicates that in considering any enforcement action, the decisive issue should be whether the breach would unacceptably affect public amenity or the existing use of the land meriting protection in the public interest. The decision as to whether or not it is expedient to take formal enforcement action is at the Planning authority's sole discretion but regard must be had to planning policies and the circumstances of the planning breach. The decision must not be unreasonable or be taken without proper consideration of the relevant facts and planning issues or be based on non-planning grounds.
- 5.2 The buildings represent inappropriate development within the Green Belt, and their retention would result in an undesirable spread of development within the Green Belt and at a scale which has a harmful impact on the openness and visual amenities of the Green Belt. The erection of the buildings is contrary to saved Policy GB1 of the Local Plan and saved Policy LO4 of the Surrey Structure Plan and PPG2. In order to overcome the harm caused by the inappropriateness of the development and the harm to the visual amenities of the Green Belt, the onus is on the applicant to demonstrate very special circumstances to overcome this harm. No evidence has come to light that very special circumstances exist. The owners agent's letter, as summarised at paragraph 3.4 above, is not considered to amount to very special circumstances and Officers do not believe that the owner is in a position to trade one unauthorised for another unauthorised building.
- 5.3 Government Guidance stated in PPG2: Green Belts and reflected in the saved development plan policies are clear and concise. The relevant PPG2 guidance and development plan policies resist the spread of development within the Green Belt. The erection of two buildings for storage and stables is considered inappropriate development in the Green Belt, which is harmful to the open character and visual amenities of the Green Belt. It is therefore considered expedient to take enforcement action to remove the two buildings (G and I) as shown hatched on the plan at Appendix 'C' and to require the reinstatement of the land, which in respect of Building I is open grassland.

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. It is recognised that in this case, enforcement action could amount to an interference with the rights of the applicant. However, 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 can amount to an interference with a person's rights. Nonetheless such measures can be taken if they:

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

6.3 Regard must be paid to the human rights of the landowner, his family and the potential difficulties caused by the service of any statutory notices or institution of any proceedings. Any action authorised must be a proportionate remedy in the circumstances of the case. This must be balanced against the identified harm to the Green Belt and the flagrant abuse of the planning system.

7. Equalities Issues

7.1 No Equality Issues have been identified.

8. Financial Considerations

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

9. Conclusion

9.1 Members must fully and fairly balance the considerations referred to in this report when deciding to authorise any of the actions referred to in Sections 4, 5 and 6 to bring an end to the continuing breaches of planning control. Members will wish to have regard to the human rights issues detailed in Section 6 and will wish to consider whether the action they authorise is a proportionate remedy in all the circumstances of the case.

9.2 Members must take into account all the considerations material to this case. On the one hand there are the personal circumstances of the families, the likely distress and difficulties caused by the service of any statutory notices or the institution of any proceedings and the convention rights of the owner and his family. 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.

9.3 In view of the owner'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.

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

OFFICERS' RECOMMENDATION that –

- i) **the Director of Administration and Leisure be authorised to issue an Enforcement Notice(s) under Section 172 of the Town and Country Planning Act 1990 relating to (i) the demolition of Buildings G and I, as shown hatched on the attached plan, (ii) the removal of all resulting materials, debris and rubble from the site and the reinstatement of the land to open grassland in respect of Building I.**

Reasons for issuing Enforcement Notice

1. **The erection of Buildings G and I for stables and storage are not considered to be an essential facility for outdoor sport and recreation within the Green Belt. The developments are inappropriate and harmful developments which given the size, scale, design, positioning, spread and intensification of development, has a detrimental impact upon the openness and visual amenities of the Green Belt, contrary to Saved Policy LO4 of the Surrey Structure Plan 2004, Saved Policies GB1, GB5, BE21 and NE10 of the Runnymede Borough Local Plan Second Alteration April 2001 and Planning Policy Guidance note 2 'Green Belts' January 1995**
 2. **The Planning Authority do not consider that very special circumstances exist to justify the inappropriate development contrary to saved Policy LO4 of the Surrey Structure Plan 2004, saved Policies GB1, GB5, BE21 and NE10 of the Runnymede Borough Local Plan April 2001, the advice contained within Planning Policy Guidance Note 2: 'Green Belts' , January 1995.**
 3. **The proximity of Building I used for the stabling of horses and the paddock to the neighbouring properties 'West View' and 'Hillmead' results in an unneighbourly form of development and is detrimental to the residential amenities of these two dwellings due to disturbance, noise and smells, contrary to saved Policy BE21 of the Runnymede Borough Local Plan Second Alteration 2001.**
- 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 (as amended) in the event that the Notice, once effective, is not complied with; and**
- iii) **the landowner be invited to submit retrospective planning applications to regularise the current retail use operating from Building D, the erection of the sheds adjacent to Buildings E and J and the residential uses of Buildings B and J.**

(TO RESOLVE)

Background Papers

None

9. APPEAL DECISIONS

The Planning Inspectorate has recently determined the appeals mentioned below. Appeal decisions a) and b) are available for inspection in the Members' Room. A copy of the appeal decision relating to land at Harrow Bottom Road is attached at Appendix 'D'.

<u>Site/Development</u>	<u>Decision</u>
a) Land rear of 201-207 Woodham Lane, New Haw, Addlestone, – planning appeal regarding a refusal to grant planning permission for a proposal for a terrace of 6 dwellings: 3 and 4 bedroom in a varied form of elevation, providing interest through the use of differing heights (RU 08/0874)	DISMISSED
b) 6 Bramley Close, Chertsey, – planning appeal regarding a refusal to grant planning permission for the erection of a single storey rear extension (RU 08/0929)	DISMISSED
c) Land at Harrow Bottom Road, Lyne, – appeal against Enforcement Notices regarding <ul style="list-style-type: none"> i) the use of part of the land or premises for the siting of stables, including a tack room, a storage container, a mobile toilet and a caravan, all in connection with the keeping and training of polo ponies. ii) construction of a vehicular access onto Harrow Bottom Road, an access road and hardstanding, construction of metal gates including an attached wooden screen, gate posts and metal fencing and posts, construction of a bund and retaining wall and a raised planter, erection of stables, including tack room and horse washing facilities. 	PART SUCCEED/PART FAIL PART SUCCEED/PART FAIL COSTS AWARDED TO COUNCIL

(FOR INFORMATION)

Background Papers

Appeal decisions.

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

A list of planning applications recently determined by the Director of Technical Services under his delegated powers is attached at Appendix '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

11. EXCLUSION OF PRESS AND PUBLIC

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

OFFICERS' RECOMMENDATION that -

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

(TO RESOLVE)

PART II

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

a) Exempt Information Para

(No reports to be considered under this heading)

b) Confidential Information

(No reports to be considered under this heading)