

Planning Committee

Wednesday 31 March 2010 7.30pm

Council Chamber
Runnymede Civic Centre, Addlestone

Members of the Committee

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

AGENDA

Notes:

- 1) Any report on the Agenda involving confidential information (as defined by section 100A(3) of the Local Government Act 1972) must be discussed in private. Any report involving exempt information (as defined by section 100I of the Local Government Act 1972), whether it appears in Part 1 or Part 2 below, may be discussed in private but only if the Committee so resolves.
- 2) The relevant 'background papers' are listed after each report in Part 1. Enquiries about any of the Agenda reports and background papers should be directed in the first instance to **Mr B A Fleckney, Administration and Leisure Department, Committee Section, 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. **(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.

'see overleaf'

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বাঙলা

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اردو

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LIST OF MATTERS FOR CONSIDERATION

PART I

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

	<u>Page</u>
1. FIRE PRECAUTIONS	6
2. NOTIFICATION OF CHANGES TO COMMITTEE MEMBERSHIP	6
3. MINUTES	6
4. APOLOGIES FOR ABSENCE	6
5. DECLARATIONS OF INTEREST	6
6. PLANNING APPLICATIONS	6
7. KENWOLDE COURT, CALLOW HILL, VIRGINIA WATER – COASTAL REDWOOD TREE	7
8. TRANSITIONAL ARRANGEMENTS FOR GYPSY/TRAVELLER SITE PROVISION AND ENFORCEMENT ON LAND AT WALNUT TREE FARM AND LITTLE ALMNERS, ALMNERS ROAD, LYNE	9
9. PLANNING APPLICATIONS DETERMINED BY DIRECTOR OF TECHNICAL SERVICES	29
10. STANDING ORDER 42 – URGENT ACTION	29
11. EXCLUSION OF PRESS AND PUBLIC	29

PART II

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

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

GLOSSARY OF TERMS AND ABBREVIATIONS

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

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

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

1. FIRE PRECAUTIONS

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

2. NOTIFICATION OF CHANGES TO COMMITTEE MEMBERSHIP

3. MINUTES

To confirm and sign the Minutes of the meeting of the Committee held on 10 March 2010 as a correct record (Appendix 'A').

4. APOLOGIES FOR ABSENCE

5. DECLARATIONS OF INTEREST

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

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

6. PLANNING APPLICATIONS (DTS)

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

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

OFFICERS' RECOMMENDATION that –

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

(TO RESOLVE)

Background Papers

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

7. KENWOLDE COURT, CALLOW HILL, VIRGINIA WATER – COASTAL REDWOOD TREE (DTS)

1. Purpose of Report

1.1 **To consider a request for placing a Tree Preservation Order on a Coastal Redwood tree located within the rear garden of Kenwolde Court, Callow Hill.**

2. Background Information

2.1 The tree in question is a semi-mature Coastal Redwood, located approximately 9 metres from an existing conservatory (and a similar distance to an approved 2-storey extension, RU 09/0857). The tree is sited within the rear garden of Kenwolde Court and abuts the garden boundary with Kenwolde House (see location plan attached as Appendix 'B'). Kenwolde Court is a two-storey attached dwelling, forming one of four dwellings which previously formed part of a single large dwelling/manor house. The property is located in the eastern side of Callow Hill close to the junction with Hollow Lane. The property is set back from the highway and is served via a driveway leading to a gravelled parking area.

2.2 The tree has been inspected by the Council's Parks and Amenities Officer who reports the tree to have a breast height of approximately 1.6 metres and height of approximately 20-25 metres. The tree is considered to be in good condition and has an estimated future lifespan in excess of 50 years.

2.3 Planning permission has recently been granted for a rear two storey extension (RU 09/0857) following the demolition of an existing conservatory at Kenwolde Court which was reported to the Planning Committee on 9 December 2009.

2.4 An objection to application (RU 09/0857) was received from a neighbouring resident which included concerns regarding the impact of the extension on the future health and stability of the Redwood tree. The impact of the proposed extension was taken into account as part of the consideration of the application. Following the advice of the Council's Amenities Officer, a condition was attached to planning permission RU 09/0857 requiring the extension to be constructed with a pile and beam foundation, any below-ground work to utilise hand tools only, together with protective fencing in order to safeguard the health of the nearby trees.

2.5 A letter and petition has been received from the occupier of the adjacent dwelling requesting a Tree Preservation Order to be placed on a Redwood tree within the grounds of Kenwolde Court, Callow Hill, Virginia Water. The petition has been signed by a number of children from Hurst Lodge School in Ascot, neighbouring residents together with names and addresses from various locations in England and abroad. The covering letter states that:

- The Redwood in question offers substantial amenity to the wider public and is clearly visible by the general public;
- It is directly being exposed to danger due to planning application RU.09/0857 for a two-storey building within only a few metres of its base;
- There are no threatening diseases to Redwoods. The only real threat is the chainsaw or poor planning;
- The majestic beauty of this Redwood is a testament to its health;
- Redwoods are listed as vulnerable on the IUCN Red List.

2.6 A further letter from the neighbour also makes reference to the root structure of the tree, the potential damage resulting from the two-storey extension (RU 09/0857) and questions liability in the event of the tree falling.

3. Report
- 3.1 Requests for Tree Preservation Orders (TPOs) are determined in accordance with saved Policy NE13 of the adopted Runnymede Borough Local Plan together with advice contained within DETR publication 'Tree Preservation Orders, a Guide to the Law and Good Practice'.
- 3.2 The purpose of a TPO is to preserve trees which offer substantial amenity to the wider public. Saved Local Plan Policy NE13 has three main criteria which are used when considering whether trees should be protected by Tree Preservation Orders.
- 3.3 The first criterion of saved Policy NE13 refers to trees having a good health and stability. The second criterion refers to trees either individually or as a group having a significant contribution to public amenity. This is derived from the Secretary of State's view for protecting trees, as indicated in the DETR publication. This states that trees should be visible from a public place, such as a road or a footpath. Furthermore, if the trees are just barely visible from a public place, a TPO might only be justified in exceptional circumstances. The third criterion is whether the tree is under threat.
- 3.4 The Council's Parks and Amenities Officer considers the tree to be in a good condition with no evidence from an inspection from ground level of any serious pests, diseases or cavities being present. The Parks and Amenities Officer considers the tree to be worthy of protection in terms of health. It is not considered that the tree is under threat.
- 3.5 Planning permission has been granted for a two-storey rear extension (RU 09/0857) at Kenwolde Court in the location of an existing conservatory. No work is proposed to the tree as a result of the application. The effect of the proposal on the adjacent Redwood tree was taken into account in the consideration of the planning application (RU 09/0857). It was concluded that the extension could be constructed without detriment to the Redwood tree and appropriate conditions were attached to safeguard the health of the tree during the course of construction. The protection of the Redwood tree through a TPO would not impact on the validity of this planning permission.
- 3.6 The Redwood tree is located within the rear garden of Kenwolde Court and approximately 60m south of Hollow Lane and 80m from the road junction with Callow Hill. Existing tree coverage along Callow Hill and the adjacent buildings restricts public views of the tree in this location. Outside the site the tree can be viewed from Hollow Lane.
- 3.7 Policy NE13 also has a number of other sub categories which the Council should also acknowledge when considering a Tree Preservation Order including the general level of tree cover in the locality. In this instance there is a high-level of tree cover in the immediate surroundings. There are a number of mature and semi-mature trees within neighbouring gardens, along Callow Hill and large area of woodland on the opposite side of Hollow Lane. It is considered that the Redwood tree does not stand out as an exceptional tree of high public amenity value when viewed in context with other neighbouring trees in this immediate landscape. The areas to which the Redwood tree can be viewed from public places is considered to be limited by existing tree coverage.
- 3.8 In conclusion, the Redwood tree, while in good and healthy condition, is not considered to be under threat nor is it considered to be of substantial amenity to the wider public. It is not considered that the Redwood tree justifies protection through a Tree Preservation Order at the current time.
- 3.9 In respect of the comment made by the neighbour, the liability for a tree rests with the owner, whether or not it is covered by a TPO. It is therefore for an owner to carry out any risk assessment to ensure that damage is not caused by their actions.
- 3.10 The Human Rights Act brings much of the European Convention on Human Rights into UK law. When considering whether to make a Tree Preservation Order the committee should have in mind Article 8 of the Convention by which everyone has the right to respect for private and family life, the home and correspondence. Article 1 of the First Protocol also entitles persons to peaceful enjoyment of possessions including the home. Interference with these rights is permitted provided that it is sanctioned by law and the means used to achieve the aim are proportionate and not excessive.

- 3.11 The making of a Tree Preservation Order undoubtedly interferes with the rights of the property owner. In this instance a Tree Preservation Order is not recommended. Notwithstanding this recommendation, if the Committee are minded to place a TPO on the Redwood, then the Committee needs to be satisfied that the interference in this instance is proportionate and necessary to protect public amenity.

OFFICERS' RECOMMENDATION that –

a Tree Preservation Order be not made on a Coastal Redwood tree in the rear garden of Kenwolde Court, Callow Hill, Virginia Water.

(TO RESOLVE)

Background Papers

Planning application RU09/0857

8. TRANSITIONAL ARRANGEMENTS FOR GYPSY/TRAVELLER SITE PROVISION AND ENFORCEMENT ON LAND AT WALNUT TREE FARM AND LITTLE ALMNERS, ALMNERS ROAD, LYNE (DTS)

1. Purpose of Report

- 1.1 **To update Members on the current issues relating to the provision of sites for gypsies and travellers in the Borough.**
- 1.2 **To seek authority for enforcement action to rectify breaches of planning control at both Walnut Tree Farm and Little Almnors.**
- 1.3 **To invite a planning application to vary conditions to planning permissions until permanent gypsy sites have been allocated in a Development Plan document.**
- 1.4 **To invite temporary planning permissions to provide transitional arrangements for gypsy/traveller sites in the Borough.**

2. Government Guidance on Gypsy/Traveller Site Provision

- 2.1 Government policy requires Local Authorities to make provision for the accommodation needs of gypsies and travellers.
- 2.2 A key housing policy goal of the Government as set out in Planning Policy Statement 3 : 'Housing' (PPS3)) is to ensure that everyone has the opportunity to live in a decent home that they can afford, in a community where they want to live. Paragraph 21 of PPS3 requires Local Planning Authorities to plan for a mix of housing on the basis of the different types of household likely to require housing over the plan period. This requirement includes having particular regard to the accommodation requirements of specific groups particularly families with children, older and disabled people and the diverse range of requirements across the area, including the need to accommodate Gypsies and Travellers.
- 2.3 Current planning advice on the provision of sites for gypsies and travellers is contained in Circular 01/2006: Planning for Gypsy and Traveller Caravan Sites, (Office of the Deputy Prime Minister, February 2006) (now the Department for Communities and Local Government). This Circular was specifically introduced because the previous Circular 1/94 : 'Gypsy Sites and Planning' was not working and had not delivered an adequate number of sites for gypsies and travellers.
- 2.4 The main thrust of Circular 01/2006 is to significantly increase the number of gypsy sites in appropriate locations with planning permission in order to address the under provision in the next 3 to 5 years, i.e. by February 2011.
- 2.5 The intentions of Circular 01/2006 are:
- to ensure that gypsies and travellers have fair access to suitable accommodation and community services;

- to reduce the number of unauthorised encampments;
 - to increase significantly the number of gypsy and traveller sites in appropriate locations;
 - to recognise, protect and facilitate the traditional travelling way of life of gypsies and travellers, whilst respecting the interests of the settled community;
 - to help to avoid gypsies and travellers becoming homeless through eviction from unauthorised sites without an alternative to move to and
 - to make enforcement more effective where local authorities have complied with the guidance set out in Circular 01/2006.
- 2.6 Circular 01/2006 envisages that the further provision of sites will come about through the Development Plan process, whereby the overall accommodation requirement will be set out in the Regional Spatial Strategy (RSS). Local Planning Authorities will then determine specific site allocations in their Gypsy and Traveller Development Plan Document (DPD). The criteria based policies for the location of sites must be fair, realistic and effective in delivering sites.
- 2.7 Where there is clear evidence of immediate unmet need, such as the presence of a significant number of unauthorised encampments, the Circular encourages local planning authorities to bring forward the preparation of their Gypsy and Traveller DPD's containing site allocations in advance of regional consideration of pitch numbers and the completion of any accommodation needs assessment (see paragraph 4.7 below).
- 2.8 The Circular considers that a significant number of unauthorised encampments is indicative of an unmet need for additional gypsy and traveller sites. Paragraph 45 of Circular 01/2006 states that
- "Where there is an unmet need but no available alternative gypsy and traveller site provision in an area but there is a reasonable expectation that new sites are likely to become available at the end of that period in an area which will meet that need, local planning authorities should give consideration to granting temporary permission".*
- 2.9 Paragraph 46 of Circular 01/2006 continues in a case where a local planning authority is preparing its allocations DPD. In such circumstances local planning authorities are expected to give substantial weight to the unmet need in considering whether a temporary planning permission is justified. It states that:
- "The fact that temporary permission has been granted on this basis should not be regarded as setting a precedent for the determination of any future applications for full planning permission for use of the land as a caravan site."*
- 2.10 Circular 01/2006 clearly recognises at paragraphs 49 to 51 the primacy of Green Belt policy and the presumption against inappropriate development within the Green Belt as set out in Planning Policy Guidance Note 2 (PPG2) : 'Green Belts'. It is recognised that new gypsy and traveller sites in the Green Belt are normally inappropriate development. The presence of the Green Belt will limit opportunities for identifying gypsy and traveller sites in some areas. In accessing the suitability of various sites:
- "Local authorities should be realistic about the availability, or likely availability, of alternatives to the car in accessing local services. Sites should respect the scale of, and not dominate, the nearest settled community. They should also avoid placing an undue pressure on local infrastructure."*
3. Gypsy and Traveller Accommodation Assessments (GTAA)
- 3.1 The Housing Act 2004 made it a statutory requirement for Local Authorities to undertake an assessment of the accommodation needs of gypsies and travellers. To establish the level of provision required Runnymede Council jointly commissioned a Gypsy and Travellers Accommodation Assessment with the Boroughs of Spelthorne, Elmbridge and Woking (the

North Surrey GTAA) in 2006. The study confirmed that Runnymede has the largest numbers of gypsy/travellers in North Surrey and the highest proportion to the general population.

- 3.2 The GTAA identifies the pitch needs for each of the 4 Boroughs in North Surrey, apportioned according to the authorities respective share of average total caravan numbers in recent counts. It is estimated an additional 20 pitches are required in Runnymede. Para 4.1.14 of the GTAA advises that '*... such allocation is a political decision to be made by the constituent authorities and SEERA (South East England Regional Assembly). Any allocation may seek to meet identified needs where they arise. This may reinforce existing patterns of provision and population or may be based on a more strategic assessment to protect or enhance other considerations including social inclusion....*'.
- 3.3 The Government required the SEERA to review the GTAA's across the whole of the south east and to determine the pitch requirement at a regional level and allocate these between the Local Planning Authorities.
4. The Development Plan
- 4.1 The Development Plan for the Borough comprises The South East Plan published in May 2009 and the Runnymede Borough Local Plan Second Alteration adopted in 2001.
- 4.2 The final version of the Regional Spatial Strategy (RSS) for the South East of England (known as The South East Plan) was published in May 2009. It sets out the long term spatial planning framework for the region over the next 20 years to 2026. The published Plan contained no policy for Gypsies and Travellers. A single issue review took place of gypsy and traveller accommodation needs in the region. The Partial Review of the South East Plan on the accommodation needs of Gypsies, Travellers and Travelling Showpeople was submitted to the Secretary of State in June 2009. This Partial Review proposes an additional policy (Policy H7) which makes provision for 1,064 net additional permanent residential pitches for Gypsies and Travellers in the South East region between 2006 and 2016, with the suggestion that Runnymede provide 10 additional pitches in that period and an additional 23 pitches to 2026 (based upon a 3% compound growth rate). The Examination in Public was heard in February 2010.
- 4.3 The Examination looked at the evidence base of the GTAA's. In the North Surrey GTAA, Surrey (as a county grouping) submitted evidence which updated the 2006 baseline information. This outlined that at 2006 there were actually 61 authorised pitches within the Borough. Since 2006 six additional pitches have been approved at Eden Farm, Lyne Lane, counting toward the 2006-2016 provision (see paragraphs 5.1 and 5.2 below). The Panel who examined the Gypsy and Traveller draft policy will report on the examination sometime in April 2011. This will provide a clearer picture of the level of provision the Council will need to meet up until 2026.
- 4.4 The Council is currently in the process of producing a Local Development Framework (LDF). It is envisaged that the LDF Core Strategy (CS) will be formally examined in early 2011. This is a strategic document that will seek to set the strategy for development in Runnymede over the 20 year Plan period up to 2026. It is anticipated that the level of Gypsy and Traveller provision will be contained in this document, with subsequent Development Plan Documents (DPD's) considering the likely sites where this provision could be met (if the provision is not provided through the authorisation and extension of existing sites). The site allocations DPD is not anticipated to be adopted until 2013.
- 4.5 In the interim period before the Core Strategy is adopted, policies from the adopted Local Plan were saved. However, Policy H011 which related to gypsies and travellers was not saved.
- 4.6 There are therefore no current adopted policies in either the South East Plan or the Runnymede Borough Local Plan resulting in a policy vacuum until the GTAA, South East Plan and LDF formally conclude the actual number of pitches to be provided in Runnymede.
- 4.7 Runnymede's interim position in dealing with planning applications in this policy vacuum has been that the release of an individual site is premature until the statutory process of deciding how many pitches need to be provided in the Borough has been concluded and until the LDF has identified suitable sites in the site allocations DPD. Although this approach is consistent

with the view of the Council in that the allocation of sites will be dealt with in the LDF process, this is not consistent with paragraph 12 of Circular 01/2006 which states that one of the main intentions of the Circular is to address under-provision over the next 3-5 years. Furthermore, the circular provides a mechanism where temporary permissions can be granted to ensure that the Council is addressing need whilst pursuing any DPD. Due to the delay in the LDF programme, the Council is failing to comply with the Circular. Although it is accepted that this delay is not the fault of the Council, the Council still has a responsibility to address need and a requirement to comply with the Circular. Failure to do this leaves the Council open to criticism and possible costs applications. This was illustrated in the recent appeal on land rear of Red Cottage (also known as Eden Farm) in Lyne Road. The appeal Inspector commented that by early 2011 (end of the 5 year period since the introduction of Circular 01/2006 (see paragraph 2.4 above)) Runnymede Council

"... won't even adopt the site allocations DPD until 2013 and achieving planning permission for any allocated sites is likely to add to the timescale. The likelihood of meeting the requirement in the GTAA or the intention of the Circular is therefore very low; this was conceded by the Council."

- 4.8 There has been a significant number of unauthorised gypsy and traveller encampments in Runnymede which is interpreted as demonstrating a need for more gypsy/traveller sites. Circular 01/2006 advocates in these circumstances the local authority brings forward its DPD on gypsy/traveller site allocations in advance of the Core Strategy (see paragraph 2.7 above). However, the need to produce a DPD without an adopted and sound Core Strategy would be at odds with a plan-led process and could lead to the DPD being found unsound without an adopted Core Strategy. The Government Office for the South East had advised in writing that it is vital to prioritise the work on progressing the Core Strategy. The advice from GOSE appears to be a more logical way to proceed in policy terms.
- 4.9 This still leaves Runnymede with a policy vacuum without any adopted policies on gypsy/travellers. The only guidance currently available is that contained within Circular 01/2006. It is therefore suggested that until the policy vacuum is removed with the adoption of a site allocation DPD for gypsy and traveller sites in Runnymede, that Runnymede complies with Government guidance and considers granting temporary permissions for gypsy/travellers' sites (this would not set a precedent for determining future full applications as set out at paragraph 2.9 above).

5 Gypsy and Traveller Sites in Runnymede

- 5.1 The existing authorised gypsy sites in Runnymede providing a total of 67 pitches are set out below:

Elm Farm	15
Little Almnors	10
Walnut Tree Farm	20
The Paddocks	15
New Oak Farm	1
Eden Farm	6

67 pitches

- 5.2 The 6 pitches at Eden Farm were allowed on appeal in October 2009 and count towards the 10 pitches required by 2016 (see paragraph 4.3 above). Consequently, a further 4 pitches need to be found by 2016.

- 5.3 In July 2009 the gypsy count found the following unauthorised pitches in the Borough:

111A Almnors Road	1
New Oak Farm	1
Willow Farm	4
Walnut Tree Farm	30

36 pitches

- 5.4 In July 2009, the unauthorised pitches represented 35% of the total number of pitches in the Borough (36/103).
- 5.5 In January 2010 the gypsy count found the following unauthorised pitches in the Borough:

111A Almnors Road	1
New Oak Farm	1
Willow Farm	4
Walnut Tree Farm	2
High Trees, Holloway Hill	1

9 pitches

- 5.6 In January 2010 the unauthorised pitches represented 12% of the total number of pitches in the Borough (9/76). The main difference between these two scenarios is that the number of unauthorised pitches at Walnut Tree Farm has been reduced from 30 to 2. There is some evidence that the authorised gypsy site and the unauthorised gypsy site at Walnut Tree Farm are not being used as a gypsy site. Following various site visits, Human Rights questionnaires and requests for information only, two gypsy pitches are located in the unauthorised encampment at Walnut Tree Farm and there is no evidence of any gypsy residing on the authorised part of the gypsy site at Walnut Tree Farm. This currently creates a vacancy for up to 20 pitches. However, this does not negate the need to provide the additional pitches required by 2016 and 2026 as the existing authorised pitches are counted as part of the supply in the 2006 baseline figures.
- 5.7 In addition, all of the named people who had been secured a residence on the authorised gypsy site at Walnut Tree Farm now reside at Little Almnors and not Walnut Tree Farm.
- 5.8 In January 2010 there were 11 pitches on Little Almnors. Information available from the returned Human Rights questionnaires indicates that at least one pitch is occupied by a non-gypsy/traveller.

6. Recent Planning Appeals

- 6.1 There are six authorised sites in the Borough. In 1983 planning permission was granted by Surrey County Council for The Paddocks in Lyne Road. All other authorised gypsy sites have been granted permission on appeal following either the refusal of a planning application or the service of an enforcement notice.
- 6.2 Inspectors have acknowledged that there is unmet need for gypsy site provision in Runnymede. The Inspector who allowed an appeal and quashed an enforcement notice in 2004 in connection with the use of Walnut Tree Farm as a gypsy caravan site stated 'In this case there is clearly an unmet need for gypsy site provision in the Runnymede area, as all other gypsy sites are as a matter of fact, full with no vacancies...' The Inspector in allowing the Red Cottage appeal (also known as Eden Farm) in October 2009 stated 'I consider that the number of unauthorised caravans indicates a highly significant level of need. In addition there is likely to be hidden need from overcrowding and from Gypsies and Travellers living in bricks and mortar who would prefer to live in caravans...I also consider this need to be immediate as there are no known alternative sites. There is no realistic prospect of sites becoming available through the DPD process in the foreseeable future....'
- 6.3 The Inspector in dismissing the appeal at Willow Farm, Chobham Road in November 2009 stated 'Notwithstanding the reduction in the number of unauthorised pitches in the Borough due to the Red Cottage (Eden Farm) decision, I consider the number of unauthorised caravans still indicates a significant level of need. ...'
- 6.4 The number of unauthorised gypsy sites has therefore previously worked against the Council on appeal as Inspectors have interpreted these unauthorised sites as demonstrating a highly significant level of unmet need. However, as stated in paragraphs 5.5 and 5.6 above and set out in paragraphs 8.1, 8.2 and 8.3 below, there is evidence to suggest that there are now only two gypsy pitches on the unauthorised encampment at Walnut Tree Farm. This reduction from the 30 in July 2009 reduces the level of unmet need in the Borough.

7. Further Need for Gypsy and Traveller Pitches prior to the Site Allocations DPD
- 7.1 To meet the requirement of partial review of the South East Plan the Council needs to provisionally provide an additional 4 gypsy/traveller pitches by 2016 (see paragraph 5.2 above). This figure is however subject to review by the Examination in Public. If the partial review of the South East Plan is agreed it is anticipated that a further 23 pitches will need to be provided between 2016 and 2026.
- 7.2 As the Council is some years off identifying permanent gypsy sites through the DPD site selection process it is necessary to consider an interim approach to the provision of sites. Paragraphs 45 and 46 of Circular 01/2006 deal with this and address in particular a situation where the Council is in the process of preparing a DPD for site allocations but during this process there remains an unmet need. In this instance the Circular provides that the Council should consider temporary permissions for sites and that any temporary permission granted on this basis should not be regarded as setting a precedent for the determination of any future applications for full permission for use of the land as a caravan site.
8. Walnut Tree Farm and Little Almnors Gypsy Caravan Sites, Almnors Road
- 8.1 The most up to date evidence indicates that Walnut Tree Farm is no longer used as a gypsy/traveller site. The Police and Surrey gypsy co-ordinator have advised that most of the gypsies were told to leave last year (2009) and that the landowner no longer accepts gypsies. It is also understood that all the persons identified in the Inspector's decision letter granting planning permission in 2004 at Walnut Tree Farm, including Mr R and Mrs C Willoughby, Mr P Heath, Mrs R E Ball, Miss L Larkam, Mr D Shane , Mr J Lee and Ms Rosemary Ball have vacated pitches on Walnut Tree Farm and some are now occupying pitches at Little Almnors (see paragraph 13.10 below).
- 8.2 The mobile homes on Walnut Tree Farm appear to be used as 'holiday' homes or to provide accommodation to people in housing need. Of the 70 Human Rights questionnaires distributed at both Walnut Tree Farm and Little Almnors in February 2010, only 2 have been returned. The two returned human rights questionnaires (one from Walnut Tree Farm and one from Little Almnors) are from non-gypsies/travellers. The only two mobiles currently used by gypsies are those occupied by the owner and his son on an extended unauthorised hardstanding to the west of Walnut Tree farm (J on the plan attached as Appendix 'E').
- 8.3 Since the grant of planning permission on appeal in 2004 the area of hardstanding on Walnut Tree Farm has been extended. The Planning Committee on 1 February 2006 authorised the serving of an Enforcement Notice in relation to the hardstanding to cease its use for the siting of caravans and to remove the hardstanding. On 2nd February 2006 Circular 01/2006 came into force and the enforcement notice was never issued. This hardstanding is now considered to be lawful (hardstanding marked J on Appendix 'E') and one of the options for consideration is that an application for the use of this now lawful hardstanding for gypsy/traveller pitches is invited for a temporary period of 5 years. It is thought that some 20 pitches could be provided on this area of hardstanding. This approach would be in line with the requirements of Circular 01/2006 and assist the Council in defending any future planning and enforcement appeals.
9. Enforcement Report for Walnut Tree Farm and Little Almnors Sites
- 9.1 Site Description
- 9.2 Walnut Tree Farm and Little Almnors Caravan Site are situated on the north western side of Almnors Road, some 100m south west of its junction with Hardwick Lane (see location plan attached as Appendix 'C'). The site is located approximately 500 metres to the west of the settlement of Lyne.
- 9.3 The site is accessed via a driveway some 160 metres in length from Almnors Road which passes between Almnors Priory and Almnors Farm House.
- 9.4 Walnut Tree Farm extends to some 6.5 hectares and includes an authorised gypsy site of approximately 1 hectare, open fields and paddocks in agricultural use with a large barn, including a lawful two bedroom residential unit, sited adjacent to the access road. Little Almnors Caravan Site covers an area of some 0.4 hectares

- 9.5 The site lies within the Green Belt and Landscape Problem Area as defined on the Proposals Map. The site lies within 5km of Chobham Common and the Thames Basin Heaths Special Protection Area (SPA).
- 9.6 Following the subdivision of Almnors Farm into smaller plots, including Walnut Tree Farm and Little Almnors Caravan Site an Article 4 direction, removing 'permitted development' rights in respect of temporary buildings and uses (Schedule 1, Part IV of the Town and Country Planning General Development Order 1977) was confirmed in 1978.
10. Site History for Walnut Tree Farm
- 10.1 Walnut Tree Farm has an extensive planning and enforcement history which is detailed below:
- 10.2 In April 1978 an enforcement notice was served in respect of "Land known as Almnors Farm, Almnors Road, Lyne" in respect of the making of a material change in the use of the land for the purpose of (i) siting a caravan and (ii) keeping and breeding of dogs. No appeal was lodged against this notice.
- 10.3 In 1981 a further enforcement notice was served, again relating to part of the site then described as "Land at Fourwinds, Almnors Farm, Almnors Road, Lyne" relating to the material change in the use of the land from agriculture to the siting of a caravan and vehicle workshop and storage uses. This enforcement notice was the subject of an appeal which was upheld by varying the notice to relate to the change of use of the land from agriculture to the siting of a caravan for human habitation (ref. T/APP/5389/C/82/124 and 125/G4).
- 10.4 In 1986 planning permission was refused for the siting of a mobile home for a temporary period of two years (RU 86/0444).
- 10.5 In 1988 permission was refused for the siting of a double unit mobile home for a temporary period of three years to house agricultural workers (RU 87/1182).
- 10.6 In 1989 another enforcement notice was served in respect of virtually the whole site now known as "land at Fourwinds, Almnors Farm, Almnors Road, Lyne" in respect of the use of the land for the siting of a mobile home. This enforcement notice was also the subject of an appeal which was again upheld in May 1990 by varying the notice to refer to the use of the land for agriculture and the siting of a mobile home (ref. T/APP/C/89/Q3630/4/P6).
- 10.7 In 1990 planning permission was refused for the change of use of half a barn with adjoining hardstanding to agricultural contractor's depot and retention of mobile home in connection with specialised agricultural use (RU 90/0225).
- 10.8 An application for the change of use from a redundant agricultural unit to an animal behaviour centre was withdrawn prior to determination (RU 93/0431)
- 10.9 In 2000 an application was submitted for the retrospective change of use of part of the barn to residential use. This application was withdrawn prior to determination (RU 00/0488). Later that year in 2000 a Certificate of Lawfulness was granted for the residential use of part of the barn (RU 00/0788).
- 10.10 The Planning Committee in July 2002, and the Director of Technical Services, in consultation with the Chairman of the Planning Committee in July 2003, authorised enforcement action which culminated in a Public Inquiry in October and November 2003. The enforcement appeal relating to erection of a brick-built toilet and shower block against the Enforcement Notice was withdrawn during the Public Inquiry.
- 10.11 The enforcement appeal relating to the use of land or premises as a mixed use for agriculture and the storage and/or siting of mobile homes and/or touring caravans for residential purposes and the parking and/or storage of associated vehicles (ref. 01E00057) was allowed and granted planning permission in January 2004. The Enforcement Notice was quashed and planning permission granted, subject to the imposition of conditions including the occupation of the land and caravans being restricted to persons defined as gypsies, no more than 20 pitches containing a maximum of two caravans be provided and the development shall also inure for the benefit of 8 named gypsies.

- 10.12 An enforcement appeal relating to laying of hardcore to form hardstanding (ref. 03E0073) was allowed in 2004 with the Enforcement Notice quashed and deemed planning permission granted, subject to the imposition of conditions which included the removal of an extended piece of hardstanding (marked L on Appendix 'E').
- 10.13 Retrospective planning permission was granted in February 2006 for the retention of a detached single storey building to provide washing facilities on the authorised gypsy site (RU 04/0223)
- 10.14 Planning permission was refused in February 2006 for the extension of the site area for the siting of caravans/mobile homes by persons defined as gypsies and the erection of two toilet/shower blocks, fencing and gates (RU 05/0239). Enforcement action was also authorised by the Planning Committee to cease the siting of the caravans/mobile homes and to remove the hardstanding. The enforcement notice has not been issued and the hardstanding has therefore become lawful.
- 10.15 A retrospective planning application was submitted in 2008 for the retention of a chalet bungalow and mobile home. The application had insufficient information to register the application as a valid application. Further information was requested but nothing additional was ever received. It was therefore invalid.

Little Almers Caravan Site

- 10.16 This site also has an extensive planning history which is detailed below:
- 10.17 A retrospective planning application was refused in 1980 for the stationing of 10 residential caravans for occupation by five gypsy families (RU 79/1210). A further application for 3 pitches for residential gypsy caravans was refused permission in 1980 (RU 80/0694). An enforcement notice was subsequently served in July 1980 requiring the removal of the caravans. There was an appeal in 1981 against the two refusals and the enforcement notice. The appeals were allowed and the Enforcement Notice quashed and planning permission was granted for 5 pitches and made personal to the appellant (Mr J Webb), restricting the site to occupation by gypsies as statutorily defined, restricting occupation to no more than 5 gypsy families; no more than 10 caravans on the site and no commercial use of the site.
- 10.18 Planning permission was refused in 1983 for the erection of a steel framed farm building following demolition of the existing timber framed farm building (RU 82/0866)
- 10.19 Planning permission was refused for the erection of a single storey agricultural building in 1983 (RU 83/0402).
- 10.20 Planning permission was refused for the demolition of the barn to allow the resiting of a mobile home and 2 new touring caravans providing accommodation for 3 new gypsy families in 1984 (RU 83/0907).
- 10.21 In 1985 an application to vary condition 1 of the permission granted by the 1981 appeal to allow the continued use of the site (subject to other conditions remaining) by a different applicant (Mr J Skeet) was approved (RU 84/0911).
- 10.22 An application to remove condition 1 of the 1981 appeal permission to allow continued use of the site as a gypsy site to run with the land and not to be personal to the applicant was refused in 1986 (RU 86/0770).
- 10.23 In 1987 planning permission was granted for condition 1 of the 1981 appeal decision to be varied to allow the permission to inure for the benefit of Mr J Skeet (senior) and Mr J Skeet (junior) (RU 87/0476).
- 10.24 An application submitted to further vary condition 1 to allow permission to inure for the benefit of Mr J Skeet (Snr) and Mr F Moss was withdrawn prior to determination (RU 88/1489).
- 10.25 In 1989 permission was granted to allow the continued use of the site by Mr J Smith (RU 89/1221).

- 10.26 Planning permission was refused in 1990 for the extension of the gypsy site to provide a total of 9 pitches providing accommodation for 4 additional families and the erection of a building for the storage of carpets (RU 90/0899).
- 10.27 In 1991, an application (RU 91/0401) for the same site area as RU 90/0899 was submitted but for 7 pitches instead of 9 and with no commercial building. This application was refused and an enforcement notice was served in March 1991 in respect of breaches of conditions of the original appeal permission in 1981. There was an appeal against the refusal of planning permission RU 91/0401 and the serving of the Enforcement Notice in April 1992. This enforcement appeal was dismissed and the enforcement notice was upheld in relation to Conditions 3 and 4 of the 1981 appeal decision. The appeal against the refusal of planning permission was allowed for the continuation of the use of the land as a gypsy caravans site without complying with Condition 5 (Number of Motor Vehicles on Site) of the 1981 appeal permission. The 1992 appeal permission was subject to conditions.
- 10.28 A further application to vary condition 1 of the 1981 appeal permission and allow the continued use of the site by Mary Nolan was granted permission in 1993 (RU 93/0139).
- 10.29 In 1994 planning permission (RU 94/0168) was refused for the extension of the existing use to include 0.09 hectares of land at the site's south eastern corner to provide an additional 4 pitches.
- 10.30 Retrospective planning permission was granted in 1995 for an additional communal bath house and toilet facilities constructed on the authorised part of the site (RU 95/1091).
- 10.31 Planning permission was refused in 1996 for the extension and use of the existing residential caravan site to provide a 15 pitch transit site (RU 96/0433).
- 10.32 In 1999 planning permission (RU 98/0942) was refused for a variation of condition 4 attached to the previous permission granted in the 1992 appeal (which restricted the number of caravans on the site to not more than 10 (5 pitches)) to allow a maximum of 20 caravans on the site. A subsequent appeal was allowed by the Secretary of State in July 2000 subject to conditions restricting the occupation of the caravans by gypsies, limiting the number of caravans to not more than 20 on the site and made personal to Mary Nolan. A condition is also attached stating that the site shall not be used as a transit site for caravans.
- 10.33 Planning permission was refused in 1999 for the relocation of the existing stables on Walnut Tree Farm and Lowfields to Little Almnors Caravan Site to provide a total of 24 stables with ancillary buildings (RU 98/1176).
11. Unauthorised Operational Development
- 11.1 A number of unauthorised operational developments (carrying out of building, engineering, mining or other operations in, on, over or under the land) have been carried out on Walnut Tree Farm. For operational developments to be lawful they must have existed for a period in excess of four years. The unauthorised operational development on Walnut Tree Farm comprises of:
- i) Construction of Hardstandings/Hard Surfaces
- 11.2 Hardstanding/hard surfaces have been constructed to the south and west of Walnut Tree Farm Gypsy Caravan Site (marked A and B on the plan attached as Appendix 'E'). Neither of these hardstandings existed at the time of the previous Public Inquiry in October/November 2003.
- 11.3 Aerial photographs of the site taken on 5 April 2006 show that neither of these hardstandings/hard surfaces had been constructed at that time.
- 11.4 Aerial photographs of the site from January 2008 show that additional hardstanding to the south of Walnut Tree Farm Gypsy Caravan Site had been constructed (marked A on Appendix 'E'). A Planning Contravention Notice (PCN) was served in July 2008 and returned in August 2008. The landowner stated that this area had previously been hardstanding but

had become overgrown and had gradually been replaced by hardcore and gravel. This hardstanding had therefore been constructed at some time before January 2008 but after 5 April 2006. In order to ensure that the hardstanding does not become lawful it is necessary to serve an enforcement notice on or before 5 April 2010.

- 11.5 The area of hardstanding to the west (B) is not visible on the aerial photographs taken in 2006 or January 2008 or April 2008. The planning enforcement section first became aware of this hardstanding at a site visit on 8 June 2009 and can first be seen on the aerial photograph taken in June 2009. It was therefore constructed at some time between April 2008 and June 2009. This area of hardstanding has therefore not existed for a period in excess of four years and is therefore unlawful.
- 11.6 The area of hardstanding marked J on the plan attached as Appendix 'E' did not exist at the time of the Public Inquiry in October/November 2003 but is clearly visible on aerial photographs taken on 5 April 2006. This area of hardstanding was subject to an enforcement report in February 2006 and the Planning Committee authorised enforcement action but the enforcement notices to remove the hardstanding and cease its use for the siting of caravans were never issued. It is considered on the balance of probability that this hardstanding has existed for a period in excess of 4 years and is now lawful.
- 11.7 To the west of the hardstanding marked J is another area of hardstanding marked M on Appendix 'E'. An area of hardstanding approximately in the same position was also required to be removed by Condition 9 of the 2004 appeal decision. This area of hardstanding (M) was removed but has recently been re-created. It is not evident from the aerial photographs in January 2008 and April 2008 but is shown on the November 2009 aerial photograph (see Appendix 'D').
- 11.8 This area of hardstanding marked M on Appendix 'E' is considered to be unlawful as it is either in breach of Condition 9 of the appeal decision or it has not existed for more than four years.

ii) Erection of Detached Dwelling and Permanent Fixed Mobile Homes

- 11.9 A complaint was received in June 2008 regarding the erection of a building on Walnut Tree Farm. Investigations by planning enforcement officers revealed that a chalet bungalow was under construction and a mobile home had been sited on a permanent brick built base in front of the chalet bungalow (C and D on the plan attached as Appendix 'E'). A retrospective planning application was submitted in December 2008 for the retention of a chalet bungalow and the mobile home, however the application was invalid and never registered as a valid application (see paragraph 10.15 above).
- 11.10 The chalet bungalow and mobile home are not shown on aerial photographs taken in April 2006 or January 2008. The April 2008 aerial photograph does show the concrete base for the mobile home and the foundations for the bungalow and the fence/wall which has been erected around the curtilage of the chalet bungalow and mobile home. It would appear that the chalet bungalow and mobile home were both erected in mid 2008. These are both considered to be unlawful.
- 11.11 A second permanently fixed mobile home on a brick built base has been erected on the unauthorised hardstanding constructed near to the southern boundary of the site. The siting of this mobile home is shown marked E on the plan attached as Appendix 'E'. This mobile home is not shown on aerial photographs in January 2008 or April 2008 and is first visible on aerial photographs taken in June 2009.

iii) Earth Bunds

- 11.12 Three earth bunds have been erected in a 'U' shape (in the area marked H on Appendix 'E'). Each earth bund is approximately 40 metres in length and approximately 2 metres in height. The earth bunds were not visible on aerial photographs in April 2008 and first become visible on an aerial photograph taken in June 2009.

iv) Fences, gates and walls

- 11.13 There are a number of fences, gates and walls erected on the site including around the chalet bungalow and permanent fixed mobile home (marked C and D on Appendix 'E') , around the permanent fixed mobile home (E) and two adjoining mobile homes around the storage yards (F) and at the northern end of the site.
- 11.14 The aerial photograph taken on 5th April 2006 does not show the fence and gates enclosing storage yard F. This fence and gates are first visible on an aerial photograph taken in January 2008 and were therefore erected at some time before January 2008 but after 5 April 2006. In order to ensure that the fences and gates enclosing this storage yard do not become lawful it is necessary to serve an enforcement notice on or before 5 April 2010.
- 11.15 The wall, fencing and gates surrounding the chalet bungalow and fixed mobile home (C and D) are not visible on aerial photographs taken in April 2006 and January 2008, but are first visible on an aerial photograph taken in April 2008. This wall, fencing and gates were erected at some time between January and April 2008 and therefore have not existed for 4 years and are not yet immune from enforcement action.
- 11.16 The fences erected around the fixed mobile home (E) and two mobile homes to the north are not visible on aerial photographs until November 2009 (see Appendix 'D'). It is considered that these fences have not existed for a period in excess of 4 years and are therefore unlawful.

v) Sheds and Outbuildings

- 11.17 A number of sheds and outbuildings appear to have been erected on Walnut Tree Farm since the hardstanding (A) was constructed. These sheds are not visible on the aerial photograph taken on 5 April 2006. The only sheds and outbuildings visible on the April 2006 aerial photograph are on the lawful part of the gypsy caravan site. These sheds however had been removed from the authorised gypsy site by the time of the June 2009 and November 2009 aerial photographs.
- 11.18 A number of sheds can be seen on the southern part of the site on the aerial photograph taken in April 2008. The number of sheds that had substantially increased by the time of the aerial photograph in November 2009 (see Appendix 'D') including between the chalet bungalow and fixed mobile home (C and D), adjacent to the fixed mobile home (E) and adjacent to mobile homes on the eastern side of the site. To be lawful these sheds should have existed on the site for a minimum period of 4 years. It is not considered that any of the sheds have existed in their current positions for more than 4 years.

12. Unauthorised Material Changes of Use

- 12.1 A number of material changes of use have been carried out at Walnut Tree Farm, as detailed below. For a material change of use to be lawful it must have been carried out on the land for a period of 10 years.

i) Use of hardstanding (A) as mobile home/caravan pitches

- 12.2 Aerial photographs indicate that the hardstanding (A) was constructed at some time between 5 April 2006 and January 2008. The aerial photograph taken in January 2008 shows hardstanding A being used for the stationing of mobile homes and caravans. The aerial photographs prior to and including April 2006 show that no caravans or mobile homes were stationed on this area which was previously a grassed area. The use of the hardstanding for the siting of mobile homes and caravans is considered to be unlawful.

ii) Storage Yards

- 12.3 A storage yard enclosed by a fence some 1.8m in height has been constructed at the southern end of the unauthorised hardstanding (marked A on the plan attached as Appendix 'E'). There is also an enclosed storage yard marked F on the plan. Aerial photographs taken on 5 April 2006 show that this storage yard did not exist at that time. Aerial photographs of the site taken in January 2008 and April 2008 do show this yard. This yard was therefore

constructed at some time after 5 April 2006 but before January 2008. The use of the land as a storage area is not considered to be lawful.

- 12.4 Aerial photographs show that the open storage yard (marked G on the plan attached as Appendix 'E') did not exist prior to the area of hardstanding (B) being constructed between April 2008 and June 2009. The use of the land as a storage area is not considered to be lawful.

iii) Site Offices

- 12.5 Two portacabins (I) have been brought onto the site and sited adjacent to the front boundary wall enclosing the chalet bungalow/fixed mobile home (C and D). To be lawful these portacabins should have existed on the site for a minimum period of 4 years. The portacabins were first visible on aerial photographs in November 2009 (see Appendix 'D').

iv) Use of the field marked K on the plan attached to Appendix 'E'

- 12.6 The aerial photograph taken in November 2009 clearly shows touring caravans, trailers and containers in the field (K) adjacent to and to the west of the unauthorised hardstanding (A). The touring caravans, trailers and containers are currently being stored on the site rather than being lived in or actively used. The siting of the caravans, trailers and containers are considered to be unlawful.

13. Breach of Conditions Attached to Previous Planning Permissions

- 13.1 A number of conditions were attached to the planning permissions granted on appeal for Little Almnerns and Walnut Tree (see Section 10 of this report).
- 13.2 All the appeal decisions on both Walnut Tree Farm and Little Almnerns have restricted the occupation of the land and caravans and mobile homes to persons defined as gypsies.
- 13.3 However, letters were submitted to the Council by a gypsy family living on Walnut Tree Farm at the end of 2008 advising that the site was to be closed and gypsies would have to leave the site. Enforcement Officers have carried out various surveys and Human Rights questionnaires were distributed in July 2008, June 2009 and the latest survey was undertaken in February 2010. Of those returned in 2010 two indicate that they are not gypsies, one living in a mobile home on Walnut Tree Farm and one on Little Almnerns.
- 13.4 Walnut Tree Farm and Little Almnerns have also been advertised as a caravan park and camping site. The advertisements include a flyer which was given to a police officer visiting the site in June 2009, which indicates that Little Almnerns Caravan Park and Walnut Tree Farm are available for short, long stay or rental for motor homes, caravans, tents and mobile homes. Both sites are also advertised on the internet including grass touring and camping areas for caravans, motor-home, mobile homes and tents charging £10 per night (Walnut Tree farm) and £70 per week (Little Almnerns). Caravans and mobile homes for hire are also advertised at Little Almnerns. There is nothing to indicate that the use is restricted to gypsies/travellers
- 13.5 The aerial photograph taken in June 2009 clearly shows tents and touring caravans in a field to the west of the authorised gypsy caravan site at Walnut Tree farm.
- 13.6 The use of both Walnut Tree Farm and Little Almnerns sites by non gypsies and as a holiday park or caravan site is contrary to the conditions attached to planning permissions granted on appeal in 2004 for Walnut Tree Farm and the planning permissions granted on appeal in 1981 and 2000 on Little Almnerns.
- 13.7 Condition 1 of the planning permission (RU 98/0942) granted on appeal in July 2000 for Little Almnerns made the permission personal to Mary Nolan. The current ownership and management of the site by J Murphy/E Cash/ M Murphy is in breach of this condition. The use/management of the site by persons other than Mary Nolan results in there being no valid planning permission for Little Almnerns.

- 13.8 There are two options open to the Council with regard to Little Almnors:
- i) to seek an application for the variation of condition 1 to allow its continued use by the current landowners as a gypsy site, or
 - ii) to take enforcement action against non-compliance with the personal permission. However such action could result in the loss of 10 gypsy pitches in the Borough from our 2006 baseline figure of authorised gypsy sites which would need to be re-provided elsewhere within the Borough.
- 13.9 It is therefore recommended that option (i) is pursued first and the landowner(s) given an opportunity to rectify the breach of planning control. If the landowner(s) fails to submit an application, then enforcement action is reviewed and considered by the Planning Committee. Only when a valid permission is granted for Little Almnors site will it be possible to seek to ensure that other conditions are complied with including its use as a gypsy caravan site.
- 13.10 Conditions 1 and 2 of the planning permission granted on appeal in 2004 restricted the occupation of the caravans/mobile homes on Walnut Tree Farm to defined gypsies (Condition 1). Condition 2 enabled named persons and their dependants to reside on the land. The most recent survey of the site in February 2010 identified that none of these named persons to which Condition 2 of the 2004 appeal decision applies remain on the authorised gypsy site at Walnut Tree Farm. Some of the named persons now reside at Little Almnors. This is not a breach of Condition 2 of the 2004 appeal decision. However, there is no evidence from the February 2010 survey and the PCN also served in February 2010 (which has not been returned by the landowner) that there are any gypsies currently residing on the authorised gypsy site at Walnut Tree Farm. This is supported by evidence from the Police, the Gypsy Liaison Officer and various advertisements as set out at paragraphs 8.1 and 13.4 above. On this basis there is evidence that Condition 1 of the planning permission granted on appeal in 2004 is not being complied with.
- 13.11 In view of these circumstances it is recommended that a breach of condition notice is appropriate on Walnut Tree Farm to ensure that the authorised gypsy site for up to 20 pitches is only available for occupation by people complying with the definition of a gypsy.
14. Planning Considerations
- 14.1 Walnut Tree Farm and Little Almnors Gypsy Caravan sites are located within the Green Belt. Planning Policy Guidance Note 2: 'Green Belts' (PPG2) advises that the statutory definition of development includes engineering and other operations, and the making of any change in the use of the land. The carrying out of such operations, and the making of any material changes in the use of land are inappropriate and harmful development unless they maintain openness and do not conflict with the purposes of including land in the Green Belt. The visual amenities of the Green Belt should also not be injured by proposals for development that are within or are conspicuous from the Green Belt. Policy GB1 of the Runnymede Borough Local Plan and Policies SP5, LF1 and LF9 of the South East Plan 2009 contains a strong presumption against development that would conflict with the purposes of the Green Belt or adversely affect its open character.
- 14.2 The site is within an area designated a Landscape Problem Area under saved Local Plan Policy NE10 where the Council will seek to improve the appearance of the landscape.
- 14.3 The unauthorised developments on the site including the extended areas of hardstanding, the chalet bungalow, permanent fixed mobile homes, storage yards, fences, gates and walls, earth bunds, sheds and site offices, storage of caravans has resulted in a spread of development across the site which was previously open Green Belt land. The unauthorised developments are inappropriate and harmful development within the Green Belt. This has a detrimental and harmful impact on the openness of the Green Belt and conflicts with the purposes of the Green Belt. The development is contrary to the PPG2: 'Green Belts' and saved Local Plan Policy GB1 and Policies SP5, LF1 and LF9 of the South East Plan 2009. The landscape has deteriorated as a result of the encroachment contrary to saved policy NE10.
- 14.4 Inappropriate development should not be accepted within the Green Belt unless very special circumstances exist which outweigh the harm in principle and any other harm.

- 14.5 The majority of the occupants on the unauthorised parts of Walnut Tree Farm are believed to be non-gypsies. The Council has undertaken several surveys and questionnaires of the occupants of both Walnut Tree Farm and Little Almnors in 2008, 2009 and February 2010. In 2009 there were 7 responses and 2 responses in 2010. This very low response has not elicited any very special circumstances that would outweigh the harm caused by the inappropriateness of the unauthorised developments or any other harm.
- 14.6 The unlawful and unauthorised developments outlined above are considered to be unacceptable in planning terms and contrary to the relevant planning policies and Government advice.
15. Enforcement Considerations
- 15.1 If the Planning committee agree with the Officer's recommendations, Members will need to consider the possibility of taking enforcement action to cease the unauthorised uses of the site, remove the unauthorised operational developments and of serving Breach of Condition Notices under Section 187A of the Town and Country Planning Act 1990 (as amended) in respect of the use of Walnut Tree Farm by non-gypsies in breach of condition of the 2004 appeal decision.
- 15.2 Planning Policy Guidance Note 18 : 'Enforcing Planning Control' (PPG18) indicates that in considering any enforcement action, the decisive issue should be whether the breach would unacceptably affect public amenity or the existing use of the land meriting protection in the public interest.
- 15.3 The decision as to whether or not it is expedient to take formal enforcement action is at the Planning Authority's sole discretion but regard must be had to planning policies and the circumstances of the planning breach. The decision must not be unreasonable, ie based on irrational factors, taken without proper consideration of the relevant facts and planning issues, or based on non-planning grounds.
- 15.4 Walnut Tree Farm and Little Almnors lie within the designated Green Belt where there is a strong presumption against inappropriate development. Planning Policy Guidance Note 2 : 'Green Belts' (PPG2) advises that the statutory definition of development includes engineering and other operations, and the making of any material change in the use of the land. Paragraph 3.12 states:
- "The carrying out of such operations and the making of any material changes in the use of land are inappropriate development unless they maintain openness and do not conflict with the purposes of including land in the Green Belt."*
- 15.5 The unauthorised operational development including the extended areas of hardstandings, the chalet bungalow, permanent fixed mobile home, storage yard, fences, gates, earth bunds, sheds, site offices, storage of caravans, stationing of two permanent mobile homes on brick bases, siting of two portacabins (site offices) and the use of the unauthorised hardstanding for the stationing of caravans and mobile homes, two storage yards and for the storage of caravans and a trailer spread the development across the site which is detrimental to the openness and visual amenities of the Green Belt and therefore is contrary to paragraphs 3.4, 3.12, 3.15 and by parity of reasoning, paragraph 3.8 of PPG2 and saved Development Plan policies.
- 15.6 The breaches of planning control are considered to be inappropriate development in the Green Belt for which there are no known very special circumstances for overcoming the harm to the Green Belt. Various enforcement actions are therefore recommended to cease the unauthorised use, demolish or remove the unauthorised developments and return the land to its original condition.
16. Human Rights Act 1998 Considerations
- 16.1 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.

16.2 The taking of enforcement action, including legal action, can amount to an interference with a person's rights under Article 8. A Local Authority may only interfere with those rights if it is satisfied that such measures:

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

In this instance the Council is satisfied that any possible interference with a person's rights under Article 8 is justified.

16.3 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 public interest.

16.4 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."

16.5 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."

16.6 It is recognised that the enforcement action proposed in this report could amount to an interference with the landowner's property and his private and family life (which fall within the protection of and are consistent with the objective and purposes of Article 8). Those interests must be balanced against the public interest in pursuing the legitimate aims of Article 8.

16.7 In any event the interference with the owner's rights must be balanced against the public interest in pursuing the legitimate aims of Article 8 particularly the economic well-being of the Country (which includes the preservation of the environment and the Green Belt).

16.8 Regard must be paid to the human rights detailed above and potential difficulties caused to the owner by the service of any statutory notices or the institution of any proceedings. Any action authorised must be a proportionate remedy in the circumstances of the case. This must be balanced against the identified harm to the Green Belt.

17. Equal Opportunities

17.1 The Council is under an obligation in carrying out its functions and policies to comply with the statutory equality duties. The Council is under a duty not to discriminate against any person on racial grounds in the exercise of its functions both as a result of the Race Relations Act 1976 and Article 14 of the European Convention on Human Rights. The Council is also under a duty to promote equalities through the exercise of its functions.

- 17.2 An initial Equality Screening Assessment has been carried out for this proposal and it has been identified that this matter is relevant to equality. A full impact assessment will be carried out if a temporary planning permission(s) is applied for.
18. Financial Considerations
- 18.1 If the Committee decide to take enforcement action and the applicant decides to exercise his right of appeal, the 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.
19. Transitional Arrangements for Gypsy/Travellers' Sites in the Borough
- 19.1 In order to comply with the Government guidance contained within Circular 01/2006, transitional arrangements need to be found to significantly increase the number of gypsy sites by February 2011 (see paragraph 2.4 above), reduce the number of unauthorised encampments and consider whether temporary planning permissions are justified (see paragraph 2.9 above). Once the Core Strategy has been adopted a DPD can then be produced to find permanent gypsy/traveller sites until 2026 which would meet the known pitch requirement for the Borough.
- 19.2 In the meantime, whilst this current policy vacuum exists, it would be prudent for the Council to identify some gypsy sites which it is likely to grant temporary permission to meet the likely number of pitches required by February 2011, 2016 and 2026. This would help to reduce the unmet demand for gypsy/traveller pitches in the Borough. The Council would then be complying with the spirit of the Government guidance contained within Circular 01/2006 which would assist in assessing any planning applications or enforcement action relating to gypsy sites until the DPD is formally adopted.
- 19.3 There is currently a requirement for 4 additional pitches to be found by 2016 and 23 additional pitches by 2026. It is suggested that the lawful hardstanding area (marked J on Appendix 'E') at Walnut Tree Farm could be used for up to 20 gypsy pitches on a temporary basis. In recent years, lean-to buildings to the rear of the barn on Walnut Tree Farm have been demolished and are now used for siting of caravans (see Appendix 'D'). This area falls within the site boundaries of the authorised gypsy site at Walnut Tree Farm. It is considered that an additional 2 gypsy pitches could be accommodated in this area to the rear of the barn on a temporary basis. This would increase the capacity of the authorised gypsy site at Walnut Tree Farm from 20 to 22 on a temporary basis.
- 19.4 It is therefore suggested that the Planning Committee invites the landowner(s) to submit temporary planning applications which it is likely to grant until the DPD on permanent gypsy sites is adopted by using the lawful hardstanding (marked J on Appendix 'E') for up to 20 pitches and the area to the east of the barn for 2 additional pitches.
- 19.5 It is also understood that the occupants on both the Council managed sites at Elm Farm and The Paddocks wish to increase the number of pitches at these two sites. A total of 5 additional pitches can be provided at these two sites (two pitches at Elm Farm and 3 pitches at The Paddocks) within the existing site boundaries of both sites. If the Planning Committee agreed to invite planning applications for 2 and 3 additional pitches at Elm Farm and The Paddocks respectively, it can be demonstrated that the Council is seeking to comply with the requirements of Circular 01/2006 and genuinely trying to find a transitional strategy for the gypsy/traveller community. These four sites combined would provide 27 additional pitches (20 + 2 + 2 + 3) on a temporary basis and therefore meet the current minimum allocation of gypsy sites in the Borough up to 2026 (see paragraph 4.2 above).
- 19.6 This transitional strategy does rely on the landowner(s) submitting valid temporary applications. The Council cannot force these landowner(s) to make such applications but the best it can do is to be proactive and invite these temporary applications with a view that such temporary applications are likely to be favourably received subject to the necessary consultations. This would at least demonstrate to all concerned that this Council is seeking to comply with the spirit of Government guidance and would hopefully put the local planning authority in a far stronger position in assessing any planning applications or in taking enforcement action and defending itself at appeal for the next four years until the current policy vacuum is removed.

- 19.7 If this transitional strategy were adopted and implemented, it would further reduce the total number of unauthorised pitches in the Borough. Based on the current situation (see paragraph 5.5), the unauthorised pitches would then be:

111A Almnors Road	1
New Oak Farm	1
Willow Farm (extant enforcement notice and dismissed twice on appeal and currently subject to High Court challenge)	4
High Trees, Holloway Hill (temporary stop notice served)	1
	<hr/>
	7

- 19.8 The two current unauthorised pitches at Walnut Tree Farm (as shown at paragraph 5.5) would be incorporated within the proposed temporary extension of the authorised Walnut Tree Farm gypsy site. These two unauthorised pitches have therefore been theoretically removed from the unauthorised pitches.
- 19.9 This scenario would result in 67 authorised pitches in the Borough (see paragraph 5.1), 27 pitches authorised with, or likely to be granted, temporary planning permission (see paragraph 19.5) and 7 unauthorised pitches. This would reduce the percentage of unauthorised pitches in the Borough to 7% (7/101). If the High Court challenge at Willow Farm is unsuccessful and the extant enforcement notice at Willow Farm complied with this would reduce the unauthorised pitches to 3 and further reduce the percentage to 3% (3/97). This would produce a significant reduction in unauthorised pitches in the Borough from the July 2009 figure (see paragraphs 5.3 and 5.4) which was 35%. It could then be argued that the Council had addressed the Government's desire that "local planning authorities are expected to give substantial weight to the unmet need in considering whether a temporary planning permission is justified" (paragraph 46 of Circular 01/2006).
- 19.10 The four sites referred to in Section 19 of this report all relate to extensions or enlargements of existing authorised gypsy sites. There would then be no need to find new, additional gypsy/traveller sites as part of this transitional strategy. However, all these sites are in and around Lyne and paragraphs 54 and 65 of Circular 01/2006 requires an assessment on the impact of a cluster of gypsy sites in one area and the impact that this may have on the local settled community and its infrastructure. This is an important issue and one which is most appropriately addressed through the LDF process (the Core Strategy and the DPD on permanent site allocations for gypsy/traveller sites).
- 19.11 Walnut Tree Farm, Elm Farm and The Paddocks all lie within 5km of the SPA. The creation of additional, permanent residential units would require mitigation in accordance with the Council's Interim Advice Note on the SPA. It is considered that any application for a permanent gypsy/traveller pitch would require a financial contribution for Suitable Alternative Natural Green Spaces (SANGS) to comply with the Council's mitigation strategy for the SPA. Mindful of paragraph 46 of Circular 01/2006 which states:

"In some cases it may not be reasonable to impose certain conditions on a temporary permission such as those that require significant capital outlay"

it is considered appropriate not to request a financial contribution for SANGS when inviting these temporary planning applications.

- 19.12 The Government guidance is clear that:

"The fact that temporary permission has been granted on this basis should not be regarded as setting a precedent for the determination of any future applications for full permission for use of the land as a caravan site."

The approach of not requesting a financial contribution towards SANGS on these temporary permissions would reinforce the premise that these are temporary permissions for a transitional arrangement and are not a permanent solution.

20. Review of Submission of Temporary Planning Applications and Transitional Arrangements

20.1 The situation with gypsy/traveller allocations is constantly changing and at the current time updates on regional and local allocations are awaited along with the adoption of a possible South East Plan policy through the Partial Review of the South East Plan (see paragraph 4.2 above). It is suggested that the different landowners are given four months to submit temporary applications for the 27 additional temporary pitches as set out in this report. Some landowners may submit temporary applications, some may not. It is therefore recommended that after the expiry of this four month period, a further report is brought back to the Planning Committee to review the transitional arrangements, receive an update on what temporary applications have been submitted, an update on the Partial Review of the South East Plan and reconsider the way forward to ensure that the local planning authority complies with the spirit of Circular 01/2006.

OFFICERS' RECOMMENDATION that –

- 1) **The Director of Administration and Leisure be authorised to issue Enforcement Notices under Section 172 of the Town and Country Planning Act 1990 (as amended) requiring:**
 - a) **the removal of the hardstandings/hard surfaces to the south and west of Walnut Tree Farm Gypsy Caravan Park (marked A, B and M on Appendix 'E') and the land restored to open grassland;**
 - b) **the demolition of detached dwelling erected on the site (marked C on Appendix 'E') and removal of all debris;**
 - c) **the removal of 2 fixed/permanent mobile homes with brick bases on the site (marked D and E on Appendix 'E');**
 - d) **the removal of the earth bunds constructed on the site (marked H on Appendix 'E');**
 - e) **the removal of fences, gates and walls erected on the site (as described at paragraphs 11.13 to 11.16);**
 - f) **the demolition and removal of the sheds and outbuildings (as described at paragraphs 11.17 and 11.18 on Appendix 'E');**
 - g) **removal from the site of two site offices (marked I on Appendix 'E');**
 - h) **the cessation of the use of the area of hardstanding (marked A on Appendix 'E') for the stationing of mobile homes and caravans;**
 - i) **the cessation of the use of the two storage yards (marked F and G on Appendix 'E') and removal of all associated items such as skips, containers, vehicles, machinery, trailers, hardcore, soil and various building materials;**
 - j) **the cessation of the use of Walnut Tree Farm and Little Almnors as a holiday camping and caravan park;**
 - k) **the cessation of the storage of caravans on Walnut Tree Farm (on field marked K on Appendix 'E');**
- 2) **The Director of Administration and Leisure be authorised to take appropriate action in carrying out necessary works or prosecution under Sections 178 and 179 of the Town and Country Planning Act 1990 in the event that these notice(s) once effective are not complied with.**

Reasons for Issuing Enforcement Notices

1. **The unauthorised construction of hardstandings, erection of a detached dwelling, siting of two fixed/permanent mobile homes with brick bases, construction of earth bunds and erection of fences, gates and walls are inappropriate and harmful developments in 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 which would conflict with the purposes of the Green Belt, and be contrary to the advice contained in Planning Policy Guidance Note 2 : 'Green Belts' and with Policies SP5, LF1 and LF9 of the South East Plan 2009 and saved Policies GB1 and NE10 of the Runnymede Borough Local Plan Second Alteration 2001.**
 2. **The unauthorised material changes of use of the land including the use of the hardstanding for the stationing of mobile homes and caravans, site offices, the two storage yards, the use of the site as a holiday caravan/camping park and for the storage of caravans and a trailer are inappropriate and harmful in the Green Belt resulting in an undesirable spread of development and intensification of uses on the site which have a detrimental impact upon the openness and visual amenities which would conflict with the purposes of the Green Belt, contrary to advice contained in Planning Policy Guidance Note 2 : 'Green Belts' and the unauthorised developments conflict with Policies SP5, LF1 and LF9 of the South East Plan and saved Policies GB1 and NE10 of the Runnymede Borough Local Plan Second Alteration 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 Policies SP5, LF1 and LF9 of the South East Plan 2009, saved Policies GB1 and NE10 of the Runnymede Borough Local Plan Second Alteration 2001 and advice contained within Planning Policy Guidance Note 2 : 'Green Belts'.**
- 3) **The Director of Administration and Leisure be authorised to issue Breach of Condition Notices under Section 187A of the Town and Country Planning Act 1990 (as amended) in connection with:**
- i) **the hardstanding which has not been removed at the northern end of the site (marked M on Appendix 'E') contrary to Condition 1 of the deemed planning permission granted on appeal in January 2004.**

Reasons for Issuing Breach of Condition Notice

1. **The unauthorised construction of the hardstanding is an inappropriate and harmful development in the Green Belt which given its size and position and spread of development and associated uses within the site would have a detrimental impact upon the openness and visual amenities which would conflict with the purposes of the Green Belt, and be contrary to the advice contained in Planning Policy Guidance Note 2 : 'Green Belts' and with Policies SP5, LF1 and LF9 of the South East Plan 2009 and saved Policies GB1 and NE10 of the Runnymede Borough Local Plan Second Alteration 2001.**
2. **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 Policies SP5, LF1 and LF9 of the South East Plan 2009, saved Policies GB1 and NE10 of the Runnymede Borough Local Plan Second Alteration 2001 and advice contained within Planning Policy Guidance Note 2 : 'Green Belts'.

- ii) **the use of mobile homes/caravans on Walnut Tree Farm by non gypsies in breach of Condition 1 attached to the deemed planning permission granted in January 2004 following an appeal against the enforcement notice relating to the use of the site as a gypsy/traveller site.**

Reason for Issuing a Breach of Condition Notice

- 1. **To enable the authorised gypsy site at Walnut Tree Farm to be used for its lawful and authorised use for the siting of caravans/mobile homes occupied by persons defined as gypsies to meet the housing needs and demands of the gypsy/traveller community as required by ODPM Circular 01/2006 'Planning for Gypsy and Traveller Caravan Sites'.**
- 4) **The Director of Technical Services be authorised to invite planning applications to be submitted from the landowner(s) of Little Almners and Walnut Tree Farm for the variation of condition 1 of planning permission RU 98/0942 for the continued use of Little Almners Caravan Site by the current owner of the site Mr J Murphy/ Mr N Cash/ Mr M Murphy**
- 5) **If valid planning applications identified in (4) above are not forthcoming within 4 months of the Committee decision to promote the submission of these planning applications, then the Planning committee will reconsider the outstanding enforcement issues at both Walnut Tree Farm and Little Almners with a view to taking enforcement action to solve any outstanding matters.**
- 6) **The Director of Technical Services be authorised to invite temporary planning applications to be submitted from the landowner(s) for:**
 - i) **the temporary use of the lawful area of the hardstanding (marked J on Appendix 'E') at Walnut Tree Farm for up to 20 gypsy/traveller pitches until permanent gypsy/traveller sites are allocated and adopted in the Borough.**
 - ii) **the temporary use of the area to the rear (east) of the main barn for two additional gypsy/traveller pitches on the authorised part of the gypsy site at Walnut Tree Farm until permanent gypsy/traveller sites are allocated and adopted in the Borough.**
 - iii) **Two additional pitches on the authorised part of the gypsy site at Elm Farm until permanent gypsy/traveller sites are allocated and adopted in the Borough and**
 - iv) **Three additional pitches on the authorised part of the gypsy site at The Paddocks until the permanent gypsy/traveller sites are allocated and adopted in the Borough.**
- 7) **If valid temporary planning applications are not forthcoming within 4 months of the Committee decision to promote these temporary applications, then the Planning Committee will reconsider the transitional arrangements along with an update on emerging policy from the Partial Review of the South East Plan.**

(TO RESOLVE)

Background Papers

Exempt

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

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

(FOR INFORMATION)

Background Papers

None

10. 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	Land south of Green Lane, Staines adjacent to land at 4 Aymer Close, Staines – service of Enforcement and Stop Notice regarding a caravan/mobile home and handstandings.	717

(FOR INFORMATION)

Background Papers

Standing Order 717 on Committee Section SO42 file.

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 report under Section 100A(4) of the Local Government Act 1972 on the grounds that the report in question would be likely to involve disclosure of exempt information of the description specified in paragraph 6 of Part 1 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)