

Runnymede Borough Council

PLANNING COMMITTEE

Wednesday, 16 February 2005 at 7.30 p.m.

in the Council Chamber

at the Civic Offices, Addlestone



Members of the Committee

Councillors G.B. Woodger (Chairman), Mrs. F.M. Angell (Vice-Chairman), J.R. Ashmore, Mrs. F.J. Barden, J. Broadhead, J.B. Dean, J.R. Furey, H.W.V. Meares, Mrs J. Norman, D.W. Parr, R. Pate, B.J. Relph, N. Thewlis, A.P. Tollett, and J.R. Whiteley.

A G E N D A

Notes:

- i) 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.
- ii) The relevant 'background papers' are listed after each report in Part 1. Enquiries about any of the Agenda reports and background papers should be directed in the first instance to **Mr. B.A. Fleckney, Administration and Leisure Department, Committee Section, Civic Offices, Station Road, Addlestone (Tel. Direct Line: 01932 425620). (Email: bernard.fleckney@runnymede.gov.uk).**
- iii) 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.
- iv) **Public speaking on planning applications only is allowed at the Planning Committee. For details please contact Mrs T Eeles, the Administrative Section of the Technical Services Department. (Tel Direct Line: 01932 425174)**
- v) 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.

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PART I

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PART II

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

1. NOTIFICATION OF CHANGES TO COMMITTEE MEMBERSHIP

2. MINUTES

To confirm and sign the Minutes of the meeting of the Committee held on 19 January 2005 as a correct record (Appendix 'A').

3. APOLOGIES FOR ABSENCE

4. DECLARATIONS OF INTEREST

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

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

5. LOCAL DEVELOPMENT FRAMEWORK (DTS)

1. Purpose of Report

1.1 The purpose of this report is to:

- **inform Members of progress on the Runnymede Local Development Framework; and**
- **report in full the results of the Issues and Options consultation.**

2. Background Information

2.1 The Local Development Framework (LDF) was last considered by the Planning Committee on 24 November when a revised Local Development Scheme (LDS) was approved for formal submission to the Government regional office. The LDS came into effect on 24 December 2004. The report also described the initial Issues and Options consultation process and presented the initial results.

2.2 The Planning Committee established the LDF Members Working Group (WG) to consider the detailed aspects of the new planning framework. The WG has now met on three occasions (20 July 2004, 9 November 2004 and 12 January 2005) and the approved Minutes of the first two meetings are set out in Appendix 'B', Annex 1 to this report.

2.3 This report sets out a series of documents that have been subject to initial consideration by the WG. The Committee are requested to consider the outcome of the consultation and questionnaire exercise undertaken in the Autumn 2004 – Appendix 'B', Annex 2.

2.4 The analysis of the consultation and questionnaires, attached as Appendix 'B', Annex 3, will inform the preparation of the LDF and the individual Local Development Documents (LDDs). The comments received will assist with the preparation of the draft Core Strategy and Statement of Community Involvement and will help develop the suite of development control policies and housing policies. The first two documents will be presented to the Committee at its next meeting. The other documents will be considered by the Committee, in due course, with a view to undertaking the next stage of formal comment in the Autumn 2005.

2.5 Appendix 'B' has been placed on the Local Development Framework web page.

3. Policy and Technical Considerations

Progress on the Local Development Framework

- 3.1 With the commencement of the LDS, the Council now has an agreed programme for the first three years of LDF preparation. Following the initial Issues and Options consultation, further work is now being undertaken on the first four documents in the LDF. This work will include further stakeholder involvement in the development of preferred options and proposals and Sustainability Appraisal. It is proposed that this be carried out through a limited number of workshop events during the Spring leading up to a formal consultation in September/October 2005.

Full Analysis of Issues & Options Consultation

- 3.2 The full analysis of the Issues and Options consultation shows little variation from the initial findings reported to the Committee in November. The full results of the consultation and a schedule of written comments and officer responses is attached at Appendix 'B', Annex 2 and 3. More detailed analysis of the data has been placed on the Members' Intranet site and a copy has been placed in the Members' Room. The following findings are of particular relevance to the Core Strategy:

Long-Term Vision

- 3.3 The most popular option for meeting future development requirements is an infra-structure constrained approach concentrating development in areas with good access to services/public transport. The other very popular option was the re-use of employment sites for housing. The options of increasing densities throughout the urban area and concentrating new development in the town centre also attracted significant support. The least popular options were the growth of new or existing settlements in the Green Belt and the use of the reserve sites and Green Belt

Green Belt

- 3.4 The vast majority of respondents wanted to see only minor changes or no changes at all to the extent of the Green Belt (85.2% of those who answered this question). Only 9.7% wanted definite changes to the Green Belt or a full review of its extent. This clearly demonstrates a high level of public support for maintaining the integrity of the Green Belt and the high value that local people place on it.

Movement

- 3.5 There was strong support for giving greater priority to improving public transport, walking and cycling facilities (over 90% either agreed or strongly agreed). The options of encouraging the adoption of Green Travel Plans and requiring developers of major sites to make contributions towards local transport improvements also received significant support. The only option that did not receive high levels of support was that of reducing private car parking in new developments in accessible locations. This reflects people's desire for attractive and realistic alternatives to the car but the recognition that significant modal shift will take time and that under-provision of parking can create problems in certain locations.

Environmental Issues

- 3.6 The responses to this question (which was not included in the short questionnaire) demonstrate a strong level of support for all three of the identified measures (ensuring energy efficient development, encouraging biodiversity and reducing the loss of good quality agricultural land). Over 75% of respondents either agreed or strongly agreed with these measures. This indicates a high level of support for the environmental principles of sustainability and in particular the need to develop new policies to secure energy-efficient development through planning as well as through the building control procedures.

Affordable Housing

- 3.7 The questionnaires sought views on whether, in Runnymede, we should try to secure 40% of new housing as affordable housing (which is the target figure for Surrey in the recently adopted Surrey Structure Plan) or whether we should seek a higher or lower percentage. For both questionnaires the most popular option was to match the 40% target. On the other options there is a marked discrepancy between the responses to the short and full questionnaires. The short questionnaire responses show almost equal amounts of people

preferring a higher percentage and preferring a lower percentage. On the full questionnaire there are significantly more people preferring a higher percentage than a lower one. This may reflect some uncertainty amongst respondents on the concept of affordable housing. It is possible that some view the provision as that provided by Registered Social Landlords and the Council, whilst for others it is the sale of private housing at a cost lower than the market value. It may be appropriate to clarify this as part of further consultation exercises.

Local Economy

- 3.8 Views were sought on the priorities for sustainable development of the local economy and the role of tourism in the Borough. The most popular option for development for employment was that it should be restricted to sites with good access by public transport. There was also support for concentrating such development in town centres and restricting it to redevelopment of existing employment sites. There was significant support for the development of tourist attractions in the Borough, though somewhat less support for the need for additional hotel accommodation.

Town Centres

- 3.9 The full questionnaire asked for views on the future role and function of our town centres and local shopping parades. This produced very strong support for the retention of shops in town centres and for the safeguarding of local shopping parades. There was also very strong support for environmental and public transport improvement in town centres. There was somewhat less support for resisting major new retail development in Runnymede and relatively few responses to the provision of other facilities. There was a balance of responses against the provision of more restaurants/cafes/pubs/takeaways, though some did comment that their resistance was to more takeaways and pubs rather than better quality restaurants.

Other Priorities

- 3.10 The short questionnaire asked for people's views on what other issues should be addressed in the Local Development Framework. The most frequently selected topic was flood protection, with nature conservation and biodiversity of next priority.

Council Policy

- 4.1 Production of the LDF will meet a key aim in the Leader's Position Paper 2004/5 and will ensure that the Council plays an effective role in enhancing the quality of life for all our residents and visitors and also provide an attractive environment for those who conduct their business in the Borough.

Resource Implications

- 5.1 The Council has already approved staff resources to assist in the preparation of the LDF. Progress made on the LDF will be one of the measures used to assess performance when the levels of Planning Delivery Grant are set. The resource implications of LDF production will be kept under review as part of the project management process. The resource implications of the different methods of consultation will be considered in the draft SCI.
- 5.2 A comparison has been made between the resource implications of the old and new planning systems. Whilst it is difficult objectively to compare a well established system with a newly introduced regime the main conclusions are that:
- two additional temporary part time (1FTE) members of staff are required to assist with the introduction of the new framework;
 - there is a significant reduction in Local Plan Inquiry cost for the new system (the Local Plan Inquiry associated with the last Local Plan cost over £300,000); and that
 - one additional temporary part time (0.5FTE) member of staff is required to assist with the new sustainability assessments of the LDF and major planning applications (EU Regulations).

6. Legal Implications

6.1 Progress on the LDF in the manner proposed in this report complies with the requirements of the Planning and Compulsory Purchase Act 2004 and its accompanying Regulations.

7. Environmental Implications

7.1 The Core Strategy will be subject to a Sustainability Appraisal which will incorporate the requirements for a Strategic Environmental Assessment.

8. Risk Management

8.1 The Local Development Scheme includes an assessment of the risks associated with the programme for the LDF.

9. Conclusion

9.1 The analysis considered as part of this report will be used to develop the draft Core Strategy Scope and Objectives document providing a reasoned set of objectives to guide the development of policies for the Core Strategy. The draft Statement of Community Involvement - Consultation Draft provides a sound basis for consulting the community on how they can most effectively be involved in the planning process.

9.2 These are to be considered by the Committee at its next meeting.

OFFICERS' RECOMMENDATION that -

- i) the Minutes of the LDF Members Working Group set out in Appendix 'B', Annex 1 be received; and**
- ii) the comments and Officer observations set out in Appendix 'B', Annex 2 and 3 respectively be noted as part of the Policy Development Framework.**

(TO RESOLVE)

Background Papers

None.

6. PLANNING APPLICATIONS (DTS)

A list of the 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 7.00 p.m. 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 at the Technical Services Reception

7. PLANNING FOR GYPSY AND TRAVELLER SITES – CONSULTATION PAPER (DTS)

1. **Purpose of Report**

1.1 **To seek the Committee's view on this Consultation Paper regarding a proposed Circular from the Office of the Deputy Prime Minister (ODPM).**

2. Background Information

2.1 The Government is committed to ensuring that members of the Gypsy and Traveller communities should have the same access to decent and appropriate accommodation as every other citizen and that there are sufficient sites available to meet their needs.

2.2 It is suggested that a new Planning Circular is necessary because evidence shows that the advice set out in the existing Circular (1/94) has failed to deliver adequate sites for Gypsies and Travellers in many parts of the country. Since the repeal of the Local Authority's duty to provide Gypsy sites, there have been a number of applications for private sites, many of which have been refused.

2.3 The Government has indicated that its main intentions for the new Circular are as follows:-

- To increase significantly the number of Gypsy and Traveller sites
- To recognise, protect and facilitate the traditional lifestyle of Gypsies and Travellers
- To identify and make provision for the resultant land and accommodation requirements
- To help avoid Gypsies and Travellers becoming unintentionally homeless
- To reflect the status of Gypsy and Traveller accommodation as part of wider housing provision
- To create and support sustainable integrated communities where Gypsies and Travellers have a quality of access to suitable accommodation, education, health and welfare provision and where there is mutual respect between all communities for the rights and responsibilities of each community and individual
- To promote more private Gypsy and Traveller site provision in appropriate locations whilst recognising that there will always be those who cannot provide their own sites
- To underline the importance of assessing needs at regional and sub-regional level and for Local Authorities to develop strategies to ensure that needs are dealt with fairly and effectively
- To ensure that Development Plan documents include fair, realistic and inclusive policies to ensure identified need is dealt with fairly and effectively
- To reduce the number of unauthorised encampments and developments and the conflict and controversy they cause and also to make enforcement more effective where Local Authorities have complied with the guidance in this Circular.

3. Report

3.1 The proposed Circular introduces a new definition of Gypsies and Travellers as follows:-

"A person or persons who have a traditional cultural preference for living in caravans and who either pursue a nomadic habit of life or who have pursued such a habit but have ceased travelling, whether permanently or temporarily, because of the education needs of their dependant children, or ill health, old age, or caring responsibilities (whether of themselves, their dependants living with them, or the widows and widowers of such dependants) but does not include members of an organised group of travelling show people or circus people, travelling together as such."

- 3.2 Recent counts indicated there are around 15,000 Gypsy caravans with around three quarters of these on authorised sites. The overall need for sites is therefore small. It is suggested that there is a need to provide sites, including transit sites, in locations that meet the current working patterns of Gypsies and Travellers. It is recognised that in view of changes in work patterns, these may not be in the same areas that they have been traditionally located in.
- 3.3 As part of the Local Development Framework, Local Authorities are required to carry out local housing assessments. It is confirmed that these will need to take into account the needs of Gypsies and Travellers. Attention is also drawn to Local Authority's obligations in respect of homelessness and race relations legislation.
- 3.4 It is suggested that Local Authorities should allocate sufficient sites in Development Plan documents to ensure that the pitch requirements identified in the regional spatial strategy can be met. It is expected that the regional planning bodies will reflect likely housing requirements within the regional spatial strategy and will liaise with Gypsy and Traveller representatives. Similarly, with Local Development Framework preparation, consultation with Gypsies and Travellers should be reflected within the statement of community involvement. In the interim, it is recommended that a range of existing data should be used to judge Gypsy related matters before more detailed evidence is available.
- 3.5 The Circular indicates that where there is an assessment of unmet need for Gypsy accommodation in an area, development plan documents should identify suitable locations for sites. In addition, these documents should set out fair, reasonable, realistic and effective criteria for suitable locations in site provision policies. It further indicates that where a Local Authority is unable to meet all assessed future needs through specific site locations, they should give a reasoned explanation why that has not been possible and why the use of criteria is necessary to endure adequate provision. Criteria based policies will be required whether or not there is any current need identified in the area. It specifically indicates that planning policies that rule out or place undue constraints on the development of Gypsy and Travellers sites should not be included in development plan documents.
- 3.6 The Circular confirms that new sites within the Green Belt are likely to be inappropriate development. However, it suggests that criteria based policies should not impose a total, blanket ban on the establishment of such sites in the Green Belt. It indicates that it may still be appropriate to grant permission if the applicant is able to demonstrate very special circumstances.
- 3.7 The Circular does recognise that the presence of Green Belt is likely to constrain and limit opportunities for identifying sites in some areas. However, it suggests that where a Local Authority's area contains a high proportion of Green Belt land and no other suitable sites outside the Green Belt exist, an Authority may, exceptionally, wish to consider a limited alteration to the defined Green Belt boundary to meet a specific identified need.

4. Comment

- 4.1 *The detailed guidance relating to the processing of individual planning applications does not vary greatly from current guidance. The main thrust of this Circular is to aim to ensure that new sites are provided across the country to meet the current unmet need.***
- 4.2 *It is clear that the Government expects that housing needs assessments, statements of community involvement, and development plan documents which form part of the Local Development Framework will make specific references to Gypsies and Travellers, in terms of the local need, local provision, and proposals to meet any identified shortfall.***
- 4.3 *The Council has recently commissioned a housing needs survey and included in the brief a requirement to assess the needs of the Gypsies and Travellers. However, none of the consultants (who are leaders in this field) were able to provide a mechanism for such work and it is not to be included in the study. This illustrates the potential difficulties with such a project on a district wide basis.***
- 4.4 *The indication that it will be a responsibility of the regional planning bodies to produce data on need on a regional basis is welcomed. Clearly, persons of a nomadic***

habit do not recognise individual Local Authority boundaries and in the past it has been argued that assessing need on an individual Borough or District basis is too narrowly defined. A regional assessment will enable a wider view to be taken of needs and existing provision.

- 4.5 *It is widely recognised that an accurate assessment of Gypsy numbers, and existing sites is very difficult to define. Equally it is accepted that the bi-annual count of Gypsies is not particularly accurate. It is essential that new sites are provided on the basis of accurate information and that double counting is minimised.*
- 4.6 *Within Surrey, the County Council has recently undertaken some research into the number of sites and number of Gypsies resorting or residing to the County. This will be a useful document which will inform the Local Development Framework process, and also feed into the regional Planning Authority's deliberations.*
- 4.7 *In Runnymede, there is already a range of provision of Gypsy sites, both publicly provided and privately owned. In the most recent Appeal decision against the refusal of planning permission for a new site, the Inspector accepted that the provision for such a small Borough was adequate and that no further provision was required. Clearly, this position will need to be monitored in relation to estimates and counts of Gypsy numbers following a local housing needs assessment. It is plain, however, assuming that this Circular is agreed by the Government that there will be a requirement to both consult with Gypsies and Travellers in the preparation of the framework and also to include specific policies relating to such sites within the adopted documents.*

OFFICERS' RECOMMENDATION that -

the comments contained in the above report be forwarded to the Office of the Deputy Prime Minister as this Authority's formal comments on this Consultation Paper.

(TO RESOLVE)

Background Papers

Planning for Gypsy and Traveller Sites Consultation Paper, ODPM, December 2004

8. 'KUPIDA', AKA 'RAGGERDY RORNY', COACH ROAD, OTTERSHAW - ENFORCEMENT ACTION (DTS)

1. Purpose of Report

1.1 The purpose of this report is to:

- inform Members of progress on investigations in respect of this site; and
- seek the authorisation of the Committee to take planning enforcement action in respect of the siting of an unauthorised mobile home within the curtilage of this property.

2. Site

2.1 The site comprises a residential property at the junction of Coach Road and Guildford Road, Ottershaw. Site plan and photographs attached at Appendix 'C'.

2.2 On site at present is a detached bungalow, an outbuilding that was previously a garage, a caravan and a mobile home; the site being accessed from Coach Road, which is a private road.

3. History

3.1 Planning permission was granted on 5 April 1981 for the bungalow and garage at the site (RU.81/0661) following a successful appeal against refusal of outline planning permission (RU 80/0264). The Council's Enforcement Section specifically became aware of this site in 2002, monitoring it since that time, as a result of a number of planning related issues.

3.2 Over the last two to three years the following matters have been investigated at the site:-

- Erection of a brick wall replacing a hedge facing onto Coach Road.
- Erection of a wooden fence replacing a hedge facing Guildford Road.
- Conversion of the detached garage to habitable accommodation.
- Siting of a mobile home on the site.
- Siting/Storage of caravans on the site.
- Erection of gates at the site.

Erection of a Brick Wall onto Coach Road

3.3 Coach Road is a private road and it appears that the verge has been absorbed into the site. If the verge was part of the highway then Surrey County Council have a duty to assert and protect the public rights under Section 130 of the Highways Act 1980 even though the highway is not maintainable at the public expense, such legislation having the ability to remove any obstruction and return the verge to use as a highway.

3.4 A condition attached to the planning permission for the bungalow in 1981 required all existing hedges and trees to be retained and not to be removed without the written consent of the Council. Subsequently retrospective approval was granted for the removal of a 20 metre section of hedge at the junction of Coach Road and Guildford Road (A320) subject to a condition which required the reinstatement of suitable screening in the form of a 6 foot fence and conifer planting on this boundary. It is not considered that a wall could be refused planning permission, if it replaced an existing boundary hedge of an equivalent height. Consideration of further action will be undertaken in liaison with the County Council as Highway Authority.

Erection of a wooden fence replacing a bush facing Guildford Road

3.5 It appears that encroachment onto the highway and the infilling of a drainage ditch has occurred in relation to this boundary. Surrey County Council have a duty to pursue action against the owners in respect of the infilling of an open drain that was adjacent to this boundary and any encroachment. Again, this matter will be discussed with the Highway Authority at the same times as the matters in relation to Coach Road, referred to above.

Conversion of the detached garage to habitable accommodation

3.6 Previous investigations did not show that this building was used as a separate residential unit, though it is habitable. Planning permission would not be required for the conversion of the garage into ancillary residential accommodation, only for the creation of a separate residential unit. When the site was inspected the garage building did not contain cooking or washing facilities and was considered to be ancillary residential accommodation, not requiring planning permission.

Siting of Mobile Home

3.7 When a mobile home first appeared in 2002, it was established that it was not plumbed in or properly connected to electricity or heating supplies. A Planning Contravention Notice served on the owner in March 2002 revealed that the unit was used only as extra rooms for the extended family, and for ancillary sleeping accommodation for visitors. It was alleged that all meals were taken in the main house, and as such the site overall remained as one

residential unit, occupied by one extended family. Inspections did not reveal any contrary evidence to the above, and it was felt that no new residential unit had been created. In this regard planning permission was not required, as its use was considered ancillary to the residential use of the site.

- 3.8 Consideration was also given as to whether the physical presence of the unit required planning permission. It was felt in this instance that it did not, as the structure was not fixed to the ground, and could be removed. The mobile nature of a structure is a factor in determining the need to obtain planning permission, but it is a complex area where each case must be judged on its merits. The Council were informed that the unit was a temporary structure, and that it was the intention of the owner to remove it when the occupying members of the family ceased occupation.
- 3.9 No permission was sought or granted for the retention of the mobile home, but with the passing of time it became clear that its siting was not of a temporary nature and the permanency of the works now on site led to the conclusion that its siting is now permanent.
- 3.10 The mobile home is based on a solid brickwork bed, comprising foundations and steps which clearly form a part of the overall operational development.
- 3.11 Additionally, to remove the unit will require a crane to lift it from the site due to the construction of the close boarded fencing, which itself is held in place by concrete posts and base sections, set firmly into the ground. Clearly the movement off site of the mobile home would be a major undertaking, and to move the mobile home off site would not only involve the use of a crane, but also probably the partial removal of the boundary fencing. This further illustrates the lack of mobility of the mobile home.
- 3.12 In the light of the above the siting of the mobile home is considered to be operational development requiring planning permission.

Siting/Storage of caravans on the site

- 3.13 The siting/storage of caravans on a site does not require planning permission, due to their mobile nature and as long as they remain ancillary to the residential use of the property. Permission would be required if they were used as self-contained residential units, but investigation to date has shown them to be in use as ancillary accommodation by members of the family.

Erection of gates at the site

- 3.14 Planning permission is required for the erection of gates over one metre in height facing a highway and there are concerns that the current gates open out onto the private road. The owner has stated an intention to remove the gates and to replace them with inward opening gates and until this action is taken the situation will be monitored.

4. Planning Policy and Legal Context

- 4.1 Accordingly the only outstanding planning issue in relation to this site is whether planning permission is required for the mobile home.
- 4.2 In many instances mobile homes are viewed in the same way as caravans, in that the presence of a unit on land does not automatically require planning permission. The mobility of the unit in question, along with its use, are considerations in determining whether planning permission is required.
- 4.3 If a unit is truly mobile then it is not considered that operational development has been carried out. However, it is often considered that a change of use has occurred due to the creation of a new residential unit in its own right, thereby requiring planning permission.
- 4.4 In this case the existing use of the land is residential, and as a result of the current use of the mobile home no new use has been introduced. The unit is not, however, plumbed in, and has no connected facilities. The occupants of the unit are part of the same family that own the main dwelling, and share the use of the facilities within that dwelling.

- 4.5 Normally, chalets and lodges, which are not considered as mobile structures because of their lack of mobility, are considered as operational development and are subject to planning control in the conventional way.
- 4.6 Any enforcement action taken in relation to the mobile home at this site would be on the basis that its siting involved works of an engineering or operational nature which requires planning permission.
- 4.7 The site is located within the Urban Area, is not within an area liable to flood and is set amongst residential properties, notwithstanding the close proximity of a garage including a car showroom.
- 4.8 Policy HO9 of the Local Plan states that :-

(HO9) *NEW HOUSING DEVELOPMENT*

- (1) In considering planning applications for new housing development (including conversions and extensions to existing dwellings) the Council will require sensitively designed proposals that:
- (a) do not damage the character and amenity of established residential areas, and
 - (b) allow for retention of appropriate trees and shrubs and provide landscaping of a high standard of design, and
 - (c) provide generous garden areas with a minimum depth of 10.6m and/or make provision for open space to accord with *Policy R3*, and
 - (d) provide appropriate space between existing and proposed residential units, and
 - (e) provide adequate daylight and sunlight to all habitable rooms, and
 - (f) provide adequate privacy for existing and proposed properties.
- (2) The Council will:-
- (a) only permit infilling or redevelopment of an existing road frontage, within the existing depth of development, and
 - (b) resist the provision of parking spaces within rear gardens and seek to ensure that new parking areas are effectively landscaped.

Consideration also needs to be given to the guidance on townscape character contained in Policy BE2.

- 4.9 Policy BE2 states that:

(BE2) *TOWNSCAPE CHARACTER*

Within the urban area proposals will be expected to respect townscape character of recognised high quality by reference to the following issues:

- (1) existing buildings;
- (2) street pattern;
- (3) plot sizes and ratios;
- (4) building lines and topography;
- (5) street scene;

- (6) building height and roof treatment;
- (7) boundary treatment;
- (8) recreational and amenity open space (including trees and landscaping).

Schemes that are of visual interest and include appropriate materials and sympathetic landscaping, will be encouraged. Guidance on residential development is also contained in Policy HO9.

4.10 In light of the above there can be no objection in principle to a domestic extension or ancillary outbuilding at 'Kupida'.

5. Enforcement Considerations

5.1 PPG18 (Enforcement) states that planning enforcement is not to be used to punish those who develop without permission, and that every effort should be made to bring unauthorised development into the planning system by seeking applications for breaches where it seems that they are not wholly contrary to adopted policy.

5.2 However, it is considered that the following matters are relevant to this development:-

- The design, materials, shape and details of the structure neither match nor compliment the original main dwelling.
- The structure is a visually dominant feature within the street scene, clearly visible from both Guildford Road and Coach Road, protruding particularly above the fence facing the busy Guildford Road. The prominence of the site on a busy junction requires a sensitive design and siting which is lacking in the current development.
- The structure dominates the host site, both visually and, in terms of its size, to the point where insufficient garden amenity space is afforded to its occupants.

5.3 The owner of the site has co-operated with the enforcement section in the collection of the required information.

5.4 The owner and his agent have co-operated in full with Officers in terms of access to the site, and have provided information when requested.

6. Human Rights Act 1998

6.1 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 2 October 2000 and enables individuals to invoke their convention rights. The Act makes it unlawful for a Local Authority to act in any way which is incompatible with a convention right.

6.2 The taking of enforcement action can amount to an interference with a person's rights under Article 8, but is legitimate provided such measures:

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

6.3 The proposed action can amount to an interference with the right under Article 1 of the First Protocol to the peaceful enjoyment of the property. Again, however, such interference is permissible if it is in accordance with the law and the public interest.

6.4 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."

6.5 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."

- 6.6 It is recognised that the action proposed in this report could amount to an interference with the owner's home and private and family life. Those interests must be balanced against the public interest in pursuing the legitimate aims, particularly the protection of the environment and public amenity through the system of development control. The objections to the breach of planning control on this site being serious and an abuse of the planning system.
- 6.7 Members must fully and fairly balance the considerations referred to in this report when deciding to authorise any enforcement action. Members will wish to have regard to the human rights issues detailed above and will wish to consider whether any action they authorise is a proportionate remedy in the circumstances of this case.
- 6.8 The Committee is requested to consider all the facts and the issues in relation to this case and determine whether enforcement action is both reasonable, compatible with the Human Rights Act 1998, proportionate to the legitimate aim being pursued and necessary to bring about the cessation of the continuing breach of planning control and prevention of further breaches of planning control.

OFFICERS' RECOMMENDATION that -

- i) the Director of Administration and Leisure be authorised to issue an Enforcement Notice pursuant to Section 172 of the Town and Country Planning Act 1990 requiring the removal from the site of the mobile home, its brick surround and base and any debris resulting from their removal.**

Reason for Issuing the Enforcement Notice

The mobile home, by virtue of its size, position, height, appearance, proximity to common boundaries and bulk results in a cramped form of development which is out of character with the area and detrimental to the visual appearance of the host property and the street scene contrary to Policies HO9 and BE2 of the Runnymede Borough Local Plan Second Alteration 2001, Policy SE4 of the Surrey Structure Plan 2004 and the 'Householder Guide' Supplementary Planning Guidance Note July 2003.

- ii) the Director of Administration and Leisure be authorised to take appropriate action in carrying out necessary works or prosecution under Sections 178 and 179 of the Town and Country Planning Act 1990 in the event that this Notice once effective is not complied with.**

(TO RESOLVE)

Background Papers

Exempt.

9. PLANNING APPLICATIONS DETERMINED BY DIRECTOR OF TECHNICAL SERVICES

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

The Planning Inspectorate has recently determined the appeals mentioned below. The appeal decisions are available in the Members' Room.

<u>Site/Development</u>	<u>Decision</u>
i) Trehane, Oak End Way, Woodham – planning appeal regarding erection of a single and two storey rear and side residential extension (RU.04/0203)	DISMISSED
ii) 69 Grove Court, The Grove, Egham – planning appeal regarding erection of a detached garage (RU.04/0180)	DISMISSED

(FOR INFORMATION)

Background Papers

Appeal Decisions

11. STANDING ORDER 42 – URGENT ACTION

Acting in accordance with Standing Order 42 the following action has been undertaken by the Officer shown below after consultation with the Chairman.

<u>Officer</u>	<u>Action Taken</u>	<u>Central Index No.</u>
Director of Administration and Leisure	Planning permission in respect of residential development at 352 – 358 Green Lane, Chertsey issued without prior completion of legal agreement as funding received in lieu of an Agreement.	570

(FOR INFORMATION)

Background Papers

Proforma on HCA Standing Order 42 file

12. EXCLUSION OF PRESS AND PUBLIC

If Members are minded to consider any of the foregoing reports in private, it is the

OFFICERS' RECOMMENDATION that -

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

(TO RESOLVE)

PART II

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

a) Exempt Information

(No reports to be considered under this heading).

b) Confidential Information

(No reports to be considered under this heading).