



RUNNYMEDE BOROUGH COUNCIL

PLANNING COMMITTEE

15 October 2003

APPENDICES

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DRAFT LOCAL DEVELOPMENT SCHEME

Abbreviations

General

- LDF = Local Development Framework
- LDD = Local Development Document
- LDS = Local Development Scheme
- SPG = Supplementary Planning Guidance

Action / Resources

- PIM = Policy & Implementation Manager
- APIM = Assistant Policy & Implementation Manager
- PPO = Policy & Projects Officer
- EPO = Environmental Policy Officer
- PIO = Policy & Information Officer
- PO = Projects Officer
- GISM = Geographical Information System Manager
- CC = Conservation Consultant

1. Development Plan Documents

Document Name	Statement of Objectives
Subject Matter	Key land use objectives for the LDF based on a widely agreed vision for the Borough and a general strategy for their achievement.
Geographical Area	Borough – wide
Status	Development Plan Document
Data / Studies Required	Review of Community Strategy Targets / Aims, Leader's Position Statement and assessment of land use implications.
Action	APIM / Community Strategy Task Groups
Resources	10 Days

Document Name	General Strategy
Subject Matter	Strategy for delivering the key objectives expressed as strategic policies for the future pattern of development and management of land-use and transport and in part through site-specific policies and proposals.
Geographical Area	Borough – wide
Status	Development Plan Document
Data / Studies Required	Review of sites with potential to achieve strategic objectives.
Action	PIM/APIIM/PPO
Resources	15 Days

Document Name	Statement of Core Policies
Subject Matter	Core policies for the Borough concerned with directing particular types of development to certain broad locations to shape the pattern of development in the area, and a small number of other policies which are more general and provide criteria or checklists against which development proposals can be considered.
Geographical Area	Borough – wide
Status	Development Plan Document
Data / Studies Required	Housing Data (Completions / Land Availability) Commercial Data (Completions / Vacant Premises / Demand data)
Action	PIM/APIIM/PPO
Resources	10 Days

Document Name	Proposals Map
Subject Matter	Map showing extent of planning policy areas.
Geographical Area	Borough - wide
Status	Development Plan Document
Data / Studies Required	Updated policy areas Create internet-friendly version
Action	GISM/EPO/APIIM
Resources	15 days

2. Action Area Plans

Document Name	Addlestone Town Centre Strategy
Subject Matter	Policies and proposals for Addlestone Town Centre.
Geographical Area	Addlestone Town Centre
Status	Action Area Plan
Data / Studies Required	Review to reflect development of key sites / review retail policy Town centre study
Action	APIM/PIO
Resources	10 Days

Document Name	Chertsey Town Centre Strategy
Subject Matter	Policies and proposals for Chertsey Town Centre.
Geographical Area	Chertsey Town Centre
Status	Action Area Plan
Data / Studies Required	Town centre study
Action	APIM/PIO
Resources	10 Days

Document Name	Egham Town Centre Strategy
Subject Matter	Policies and proposals for Egham Town Centre.
Geographical Area	Egham Town Centre
Status	Action Area Plan
Data / Studies Required	Town centre study
Action	PIM/PIO
Resources	10 Days

Document Name	Small Centres Strategies
Subject Matter	Policies and proposals for village and local centres in the Borough.
Geographical Area	Village and Local Centres
Status	Action Area Plan(s)
Data / Studies Required	Village studies / surveys
Action	PPO/PIO
Resources	35 Days

Document Name	Special Residential Areas
Subject Matter	Guidance on development within identified areas of special residential character.
Geographical Area	Areas of special residential character.
Status	Action Area Plan
Data / Studies Required	Survey and analysis of residential character areas.
Action	APIM/PIO/GISM
Resources	11 Days

Document Name	Nature Conservation
Subject Matter	Guidance on development affecting nature conservation sites.
Geographical Area	Nature conservation sites.
Status	Action Area Plan
Data / Studies Required	Update information and guidance on statutory and non-statutory nature conservation sites and sites of special scientific interest
Action	EPO
Resources	11Days

3. Supplementary Planning Guidance

Document Name	Householder Development
Subject Matter	Guidance for householders on minor developments
Geographical Area	Borough-wide
Status	Supplementary Planning Guidance
Data / Studies Required	None - Recently Adopted
Action	APIM
Resources	-

Document Name	Planning Obligations
Subject Matter	Guidance on the Council's requirements and mechanisms for securing infrastructure and other necessary and related provision through developments.
Geographical Area	Borough-wide
Status	Supplementary Planning Guidance
Data / Studies Required	Details of projects / initiatives for which funding can be sought. Review of legislation / guidance Calculation of appropriate formulae for different types of development Input from Dev Control, other depts / sections and SCC re highways / transport
Action	APIM/PO
Resources	5 Days

Document Name	Residential Development
Subject Matter	Design guidance for new residential development.
Geographical Area	Borough-wide
Status	Supplementary Planning Guidance
Data / Studies Required	Revise existing guidance to comply with current legislation / best practice and relate it to Runnymede
Action	APIM
Resources	3 Days

Document Name	Trees, Woodland and Hedgerows
Subject Matter	Guidance on the treatment and protection of trees, woodland and hedgerows in the development process.
Geographical Area	Borough-wide
Status	Supplementary Planning Guidance
Data / Studies Required	None - Recently Adopted
Action	PIO
Resources	-

Document Name	Affordable Housing – Policy Guide
Subject Matter	Guidance on the interpretation of policy on the provision of affordable housing including definitions, appropriate tenure types, thresholds etc.
Geographical Area	Borough-wide
Status	Supplementary Planning Guidance
Data / Studies Required	Up to Date Housing Needs Data
Action	PPO
Resources	2 Days

Document Name	Designing for Access
Subject Matter	Guidance on how to satisfy the requirement for development in the Borough to be accessible.
Geographical Area	Borough-wide
Status	Supplementary Planning Guidance
Data / Studies Required	Review of current relevant guidance and current best practice
Action	PPO
Resources	4 Days

Document Name	Residential Extensions and Replacement Dwellings in the Green Belt
Subject Matter	Guidance on the interpretation of policy on extending and replacing dwellings in the green belt.
Geographical Area	Green Belt
Status	Supplementary Planning Guidance
Data / Studies Required	Update to include guidance on basements.
Action	APIM
Resources	3 Days

Document Name	Chertsey Conservation Area
Subject Matter	Information and guidance for residents, owners and occupiers in the conservation area.
Geographical Area	Chertsey Conservation Area
Status	Supplementary Planning Guidance
Data / Studies Required	Carry out Conservation Area Appraisal and revise guidance following publication of new PPS15 Carry out Condition Study for potential grants scheme.
Action	APIM / CC
Resources	1 Day

Document Name	Other Conservation Areas
Subject Matter	Information and guidance for residents, owners and occupiers in the conservation area.
Geographical Area	Conservation Areas
Status	Supplementary Planning Guidance
Data / Studies Required	Conservation Area Appraisals in accordance with govt guidance. Produce / revise SPGs following publication of new PPS15
Action	APIM / CC
Resources	20 Days

Document Name	Satellite Antennae
Subject Matter	Information and guidance on the erection of satellite antennae.
Geographical Area	Borough-wide
Status	Supplementary Planning Guidance
Data / Studies Required	Review to ensure conformity with current guidance.
Action	APIM/PO
Resources	1 Day

Document Name	Shop Security
Subject Matter	Information and guidance on the design of security grilles etc for shopfronts.
Geographical Area	Borough-wide
Status	Supplementary Planning Guidance
Data / Studies Required	Review to ensure conformity with current guidance.
Action	APIM/PO
Resources	1 Day

Document Name	Open Space
Subject Matter	Guidance on the retention and provision of open space within the Borough
Geographical Area	Borough-wide.
Status	Supplementary Planning Guidance
Data / Studies Required	Existing provision / demand
Action	PIM
Resources	4 Days

4. Planning Briefs

Document Name	DERA Site Planning Brief
Subject Matter	Planning brief for DERA site Chertsey
Geographical Area	DERA Site Chertsey
Status	Planning Brief - SPG
Data / Studies Required	Site survey / analysis, review of relevant policies, preparation of brief.
Action	PPO/PO
Resources	7 Days

Document Name	Egham Precinct Planning Brief
Subject Matter	Planning brief for Precinct site Egham
Geographical Area	Precinct Site Egham
Status	Planning Brief – SPG
Data / Studies Required	Site survey / analysis, review of relevant policies, preparation of brief.
Action	APIM/PIO
Resources	7 Days

5. Statement of Community Involvement

Document Name	Statement of Community Involvement
Subject Matter	Statement setting how the Council will engage with the local community in the preparation of the development framework and in the determination of significant planning applications.
Geographical Area	Borough wide
Status	Required Document
Data / Studies Required	Review of current procedures and best practice for community involvement. Assessment of most appropriate methods for LDF etc. with reference to Community and other strategies.
Action	APIM
Resources	4 Days

6. Sustainability Appraisal

Document Name	Sustainability Appraisal
Subject Matter	Appraisal of the strategy and policies of the plan against the Council's Environmental Strategy.
Geographical Area	Borough wide
Status	Required Document / Procedure
Data / Studies Required	Ongoing review of the environmental impact of the general strategy and individual policies. Assessment of these impacts against Council's environmental strategy. Review of policies in light of impacts. Production of overall appraisal.
Action	EPO
Resources	20 Days

7. Monitoring and Management

Monitoring the effectiveness of the plan against the plan objectives. This includes the identification of relevant indicators and measuring performance against targets.

Ensuring that the plan objectives are reviewed and revised to reflect any changes in the vision and strategic objectives for the Borough.

Ensuring that the influence of the plan is adjusted by managing the results of monitoring to ensure that policies are reviewed at the appropriate time.

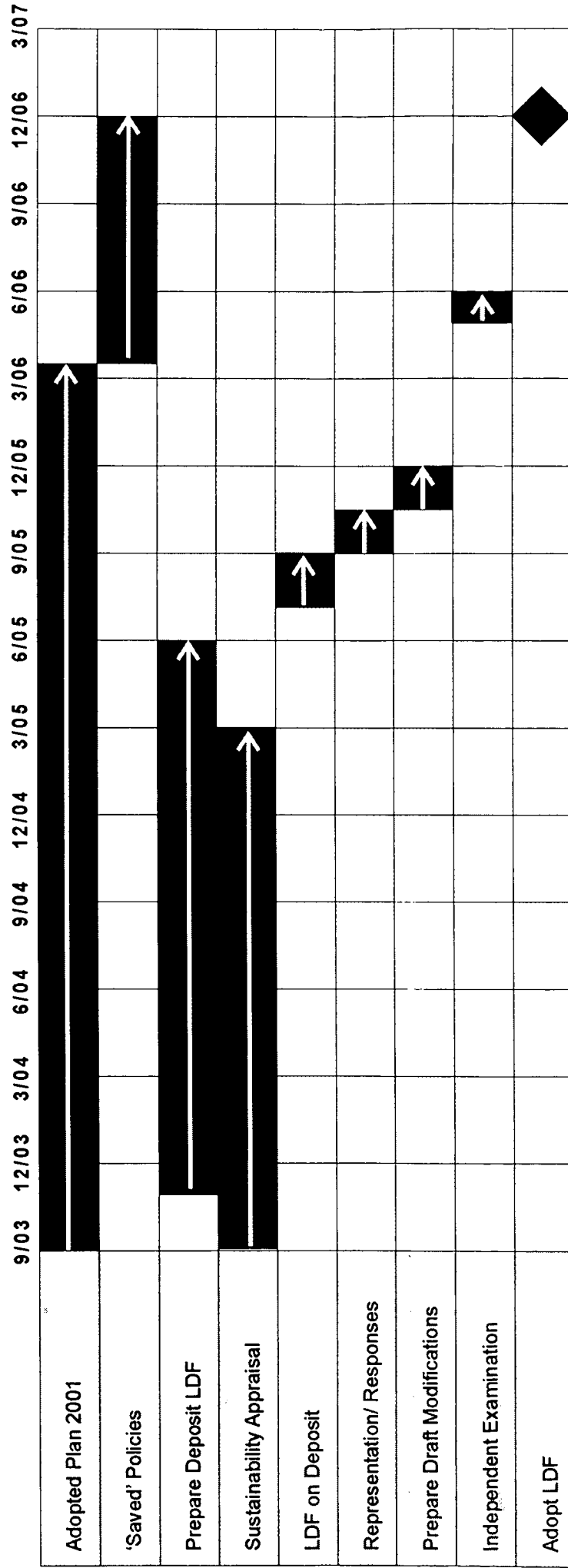
8. Programme

See separate programme.

Runnymede Borough Council

Policy & Implementation Section

Draft Local Development Framework Programme





Appeal Decision

APPENDIX 'C'

Site visit made on 25 August 2003

by Malcolm Sainsbury

an Advertisement Appeal Inspector appointed by the First Secretary of State

Date: 16 SEP 2003

Appeal Ref: APP/Q3630/H/03/1120311

Compass House, Guildford Street, Chertsey, Surrey KT16 9BQ

- The appeal is made under Regulation 15 of the Town and Country Planning (Control of Advertisements) Regulations 1992 against a refusal to grant express consent.
- The appeal is made by Compass Group Plc against the decision of Runnymede Borough Council.
- The application (Ref.RU.02/1180) is dated 3 October 2002.
- The advertisement proposed is a post sign.

Summary of Decision: The appeal is allowed and consent granted for the display of the advertisement on the terms set out below in the Formal Decision.

Details of the Advertisement

1. The appeal concerns a non-illuminated, double-sided post sign measuring 1.3m x 3m. It was being displayed at the time of the site inspection.

The Main Issue

2. The visual impact of the display is the main issue in this case.

Policy Background

3. The Council has referred to townscape character and related policies in the Surrey Structure Plan and Runnymede Borough Local Plan. The Regulations require that decisions be made only in the interests of amenity and public safety. Therefore the Council's policies alone cannot be decisive, but they can be taken into account as material considerations.

My Appraisal

4. The appeal site is at the north-eastern corner of a new office development located on a well-lit A-Class road on the edge of the town centre business area. The site lies within the Chertsey Revitalisation Area.
5. There are numerous houses nearby and it is therefore necessary to ensure that commercial and residential interests are well balanced. However, in this case the sign is of modest height and is well mannered in design and appearance with small-sized lettering on a subdued background. Although in a fairly prominent position at the corner of the building, its entirely inoffensive design ensures that it is not a particularly conspicuous feature in the general street scene. In my view, it satisfactorily fulfils its stated function of identifying the entrance and car park without being at all intrusive to nearby residential occupiers or otherwise appearing out of place in the general street scene.

6. I note that the Council has approved a number of other signs on the building and is concerned about clutter and excess. However, the signs are all well spaced out and most are on other elevations and not readily seen in the same view as the appeal sign: consequently there is no impression of clutter. As for number, these are substantial premises and the signage is all relatively modest in scale and restrained in character. I am therefore not persuaded that the addition of the appeal sign contributes to excess.
7. I accept that the sign is adjacent to a substantial highway direction sign spanning the pavement, and that the juxtaposition of the two structures is not ideal. But I am not inclined to consider the appeal sign inappropriate on this ground alone, bearing in mind that its siting is also determined by its own functional purpose.
8. In all the circumstances, my view is that the sign is visually acceptable and does not undermine the aims of the Revitalisation Area.

Other Matters

9. The Council is concerned that allowing the appeal would create an undesirable precedent. However, I consider that this would not stop it from dealing with other proposals on their merits.

Conclusions

10. I have carefully considered the relevant Council policies and taken them into account as material considerations. Even so, for the reasons set out above, and having regard to all other matters raised, I conclude that the appeal sign is acceptable in relation to the appeal site and its surroundings and that its display should be permitted. This does not mean that I disagree with the generality of the Council's policies or that a similar advertisement in another location would be acceptable. Each proposal must be considered on its own merits.

Formal Decision

11. In exercise of the powers transferred to me, I allow the appeal and grant consent for the display of the advertisement, as applied for. The consent is for 5 years from the date of this decision and is subject to the following standard conditions set out in the Regulations:
 - 1) Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the local planning authority.
 - 2) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.
 - 3) Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the local planning authority.
 - 4) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
 - 5) No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as to otherwise to render hazardous the use of any highway, railway, waterway or aerodrome (civil or military).

12. This decision does not convey any approval or consent, other than under Regulation 5 of the Regulations.

Information

13. Particulars of the right of appeal against this decision to the High Court are enclosed for those concerned.



Advertisement Appeal Inspector



Appeal Decision

Site visit made on 24 July 2003

by **Sally Walker BA Hons MRTPI**

an Inspector appointed by the First Secretary of State

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Date

23 SEP 2003

Appeal Ref: APP/Q3630/A/03/1114307

64 Pinewood Avenue, New Haw, Addlestone, Surrey, KT15 3AB.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by G Lynch against the decision of Runnymede Borough Council.
- The application ref: RU.02/0961, dated 31 July 2002, was refused by notice dated 9 October 2002.
- The development proposed is residential 2 storey rear extension, 2 pitched roof dormer windows to right hand roof slope, rooflight to left hand roof slope.

Summary of Decision: The appeal is allowed and planning permission granted subject to the conditions set out in the formal decision.

Main Issue

1. I consider the main issue in respect of this appeal is the effect of the proposal upon the character and appearance of the surrounding residential area.

Planning Policy

2. The development plan includes the Surrey Structure Plan 1994 and the Runnymede Borough Local Plan Second Alteration 2001. Policy HO9 of the Local Plan relates to new housing development including extensions to existing dwellings. This policy requires sensitively designed proposals, which, amongst other things, do not damage the character or amenity of established residential areas. Policy BE2 states that proposals will be expected to respect townscape character by reference to a number of issues, including street scene and roof treatment.
3. I have been referred to two pieces of Supplementary Planning Guidance. Firstly, the "Design Guide for Residential Extensions." I am not aware whether this has been prepared in accordance with the procedures laid down in paragraph 3.16 of Planning Policy Guidance Note No: 12, Development Plans, 1999. Accordingly, I will attach only limited weight to its content. By contrast, the "Surrey Design" has been adopted following extensive public consultation and accordingly I will afford it substantial weight. This places emphasis upon, amongst other things, attention to building design and detail, including the roof profile.

Reasons

4. Planning permission has already been granted for the rear extension, the rooflight and smaller dormer windows. The Council's concern only relates to the enlarged dormer proposals. Since I find the remainder of the proposal acceptable I do not propose to address them further.
5. The proposed development the subject of this appeal, is similar to a development

previously approved by the Council in 2002 under ref: RU.02/0010. The difference between the two is in the size of the two side dormer windows. Those now proposed are larger than those previously approved.

6. The appeal property is a detached bungalow within a street that contains a mixture of styles and types of houses, including bungalows, chalet bungalows and two storey dwellings, both detached and semi-detached. There is no unifying character or appearance to the street scene. Into the north-west roof slope of 64 Pinewood Avenue it is proposed to insert two dormer windows, these would be deeper than the dormers already permitted, both with respect to their overall height and the projection from the roof slope and wider. Their position within the extended roof would be broadly the same as the approved dormers, and their form and appearance would be essentially the same.
7. I do not consider that the size of the side dormer windows as now proposed would be so great that they would create an imbalance to the appearance of the bungalow. Nor do I consider that they would appear overly prominent, or out of keeping with the street scene. In arriving at this opinion, I have placed weight upon a number of factors. Firstly, that the windows would be set back some 3 metres from the front of the property. Secondly, that the proposed external material of tiling would help the dormer windows to blend into the appearance of the main roof. Thirdly, that the windows would be read within the existing context of a mixed street scene. I therefore conclude that the proposal would not have an adverse effect upon the character and appearance of the surrounding area. It would therefore not conflict with the objectives of Policy PE10 of the Structure Plan, Policies HO9 and BE2 of the Local Plan or the Surrey Design Guide.

Other Considerations

8. The Council has referred me to development involving dormer windows elsewhere within the area. However, in each case I consider that there are important differences with the appeal proposal. The proposed development at 14 Warren Road, one of a pair of semi-detached bungalows, the subject of appeal Ref. APP/Q3630/A/01/1056565 included a box dormer across the rear roof. The other example given at 33 Selston Road, the subject of appeal Ref. APP/Q3630/A/01/1071523, related to a dormer that was described by the Inspector as being a large and bulky construction located towards the front of that property.

Conclusion

9. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Conditions

10. Other than the standard condition relating to the time period in which the development is to be commenced, the Council has suggested two conditions. The first is that the external materials of the development should match those of the existing building. I consider that in the interests of retaining the visual amenities of the area, that this condition is both necessary and reasonable. The second would remove permitted development rights relating to the insertion of additional windows into the roof extension, in order to protect the amenity and privacy of the adjoining residential

property. I consider that additional windows within the roof extension would have the potential to result in a loss of privacy to the occupiers of both adjoining properties and therefore I intend to impose such a condition. In the interests of consistency and enforceability, I intend to use the model conditions contained in Circular 11/95.

Formal Decision

11. In the exercise of the powers transferred to me, I allow this appeal and grant planning permission for a two storey rear extension, two pitched roof dormer windows to right hand roof slope and rooflight to left hand roof slope at 64 Pinewood Avenue, New Haw, Addlestone, in accordance with the terms of application ref. RU.02/0961 dated 31 July 2002 and the plans submitted therewith, subject to the following conditions:
- 1) the development hereby permitted shall be begun before the expiration of five years from the date of this decision;
 - 2) the materials to be used in the construction of the development hereby permitted shall match those used in the existing building; and
 - 3) notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 or any order revoking and re-enacting that Order with or without modification, no windows/dormer window other than those expressly authorised by this permission shall be constructed in the roof extension.

Information

12. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court.
13. This decision does not convey any approval or consent that may be required under any enactment, byelaw, order or regulation other than section 57 of the Town & Country Planning Act 1990.

S. A. Walker

INSPECTOR



Appeal Decision

Inquiry held on 16 September 2003

by **Steven Fox BA MA MRTPI**

an Inspector appointed by the First Secretary of State

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Date **23 SEP 2003**

Appeal Ref: APP/Q3630/X/03/1117948

The Boat House, Hamm Court, Weybridge

- The appeal is made under Section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a Lawful Development Certificate (LDC).
- The appeal is made by Mrs C A Enifer against the decision of Runnymede Borough Council.
- The application (Ref. RU.02/1285), dated 3 September 2002, was refused by the Council by notice dated 24 December 2002.
- The application was made under Section 191(1)(a) of the 1990 Act as amended.
- The use for which a Certificate of Lawfulness is sought is use as a single dwellinghouse.
- At the inquiry all evidence was given on oath.

Summary of Decision: The appeal is allowed and a Certificate of Lawfulness is issued, in the terms set out in the Formal Decision below.

The Appeal Site

1. The appeal site lies within the Hamm Court Estate, standing at the southern end of one of the access roads. It has the River Thames on its east side and the River Bourne along its southern boundary. The boathouse building stands towards the eastern end of the site, where there is a concrete landing stage and slipway. Apart from two small sheds close to the southern boundary the site comprises predominantly mown grass with a line of apple trees alongside the driveway. The single storey building has brick walls and a tiled pitched roof. At its western and eastern end are pairs of double doors opening onto concrete aprons. There are two windows in each side wall.
2. The internal layout of the building was altered in the July 2003 (after the date of the LDC application) by the formation of a doorway in the internal dividing wall between the northern and southern halves of the building and by the construction of a shower room/toilet in the north-western corner. At the time of my inspection the building was furnished with settees, tables and chairs, cupboards and storage units. A kitchen with a sink unit, cooker, fridge, freezer, microwave worktops and cupboards occupies the south-western corner of the building. An area alongside the shower room/toilet has two bunk beds and I also noted a fold-away bed in one of the sitting areas. The building has electricity, hot and cold water and portable gas heaters. The floor is carpeted and the internal brick and blockwork is painted.
3. One of the two small shed-like buildings about 20 m to the south-west of the boat house is described as a facilities building and contains a shower cubicle, toilet and wash basin. This

and the main building drain to a septic tank located centrally within the site. Alongside the facilities building is a small wooden shed used to store domestic and garden items.

The Case for the Appellant

The gist of the case is as follows:

4. The site was purchased by the appellant's parents in 1972. After her mother's death in 1976 the property was transferred to her and her sister (Mrs C Moore). In 1972 the building had electricity and water but over the years her parents added cooking and washing facilities and carried out improvements. This process has continued. Her husband constructed the outside shower/toilet building in 1985 and a septic tank was installed in 1986. Most recently an internal shower room/toilet has been installed.
5. The pattern and nature of the use of the building has been consistent since 1972. From March to October each year the building has been used by family and friends who stay there for varying periods, sometimes at weekends but often longer. The building is closed down for the winter, when furniture is set up on tables and trestles to avoid damage from possible flooding and damp. There are visits to the property during the winter and occasional overnight stays. The appellant spends about 50% of her time at the boathouse between March and October but there is usually someone there throughout the summer.
6. Witnesses confirmed the pattern and character of the use, in particular the seasonal nature of visits and frequency of stays at the property. The appellant's husband, son and sister supported the appellant's account that visits were frequent and involved staying at the property for weekends and longer periods of occupations. Her son said that he lived at the boathouse on a permanent basis between May and November 1999. Friends and neighbours also gave evidence as to the use of the property. Local residents Mr Edwards and Mr and Mrs Taylor said that during the summer there was someone staying at the boathouse for more than 50% of the time between March and October. Mr Hiser and Mrs Manners are friends of the appellant and had visited the site over many years, including staying there for varying periods. During 1994 Mrs Manners stayed for a month with the appellant to recuperate after an operation.
7. Other statutory declarations refer to knowledge of the site over long periods and describe the nature of the use of the premises consistent with the evidence given orally at the inquiry.
8. It was argued that there has been a long-standing residential use of the property from the 1970s. Correspondence indicates that the Council was aware of this in 1986/87, at the time describing such use as casual residential use. The Council decided it would not be expedient to take enforcement action. The commonly accepted test as to what constitutes a dwellinghouse is set out in *Gravesham Borough Council v Secretary of State For The Environment* [1982] 2P&CR 142. Essentially the distinctive characteristic of a dwellinghouse is its ability to afford the facilities required for day to day private domestic existence. The boathouse meets this test and has done so since the 1970s, with facilities being improved in 1986 when the shower/toilet block was built. It is not necessary for the building to be used continuously throughout the year, it is clear that a holiday home or second home is a dwellinghouse. Nor does the fact that the property may flood alter this description.

For Case for the Council

The gist of the case is as follows:

9. The Council does not dispute that the boathouse has been used for recreation and on occasions for ancillary residential purposes including overnight stays. But the appellant resides elsewhere and the appeal property is not registered for Council Tax. At the time the application was made representations from local residents cast doubts on the extent of any residential occupation, suggesting only infrequent visits and occasional overnight stays. The building was not constructed as a dwelling, it has single skin walls, lacks insulation and is not weather and watertight. This restricts its use for residential purposes. Prior to July 2003 it was not possible to move from one half of the building to the other without going outside. Also, the incidence of flooding prevents its permanent occupation. Mr Lee had visited the site on six occasions since June 2003 and only seen people there once, at the time when the internal alterations were being carried out.
10. The Council argues that there are features of the boathouse that set it aside from a dwellinghouse. The significance of the *Gravesham* test is not disputed, but a distinction should be drawn between a dwellinghouse and a residential use, the definition of a dwellinghouse being narrower. The boathouse has been used for overnight stays but this not make it a dwellinghouse. The main use of the site is for recreation.

Inspector's Conclusions

11. The Courts have held that the onus lies with the appellant to demonstrate that, on the balance of probability, the claimed dwellinghouse use is immune from enforcement action and therefore lawful. In the case of a building used as a single dwellinghouse Section 171B(2) of the Act specifies a period of immunity of four years. There is no definition in the Planning Acts as to what constitutes a dwellinghouse, but the test set out in *Gravesham* is commonly accepted. Both parties agreed that this test was relevant in this instance.
12. Whilst internal works have taken place to the boathouse since its acquisition by the appellant's parents in 1972 consistent and clear evidence given at the inquiry for the appellant was that by 1986, with the provisions of the shower/toilet block and improved drainage, all the facilities required for day to day private domestic existence were present. The building has electricity and water supply, heating by gas and electric heater and there is no evidence to contradict that of the appellant concerning the presence of facilities for sleeping, living, cooking and eating within the building over a long period of time.
13. The Council's concerns about the layout and construction of the building do not in my view material effect its ability to be used effectively and efficiently for domestic residential purposes. There are many examples throughout the country of dwellings which have single skin walls and where conversion works to unusual buildings have provided satisfactory facilities for domestic living. The fact that on the relevant date it was not possible to pass from one half of the building to the other without using external doors did not effectively prevent its residential use bearing in mind the size of the building and the number and proximity of external doors.
14. I now turn to consider the nature of the use of the building. In this respect the evidence presented on behalf of the appellant was consistent. There has been regular, frequent use of the building for residential purposes over many years. It seems to me that following initial

use by the appellant's parents primarily at weekends and holidays, from the mid 1980s, when additional facilities were provided, there was a greater intensity of use by the appellant, her family and friends. Although there may well have been occasional visits during the winter the evidence is that the building has been used each year between March and October. There was no contrary evidence of substance to give me reason to doubt the appellant's evidence that it was occupied for upwards of 50% of that eight months summer period. Its use is and has been as a second or holiday home for the appellant and her husband, with regular use by her sister and other family members, often with friends visiting and staying.

15. The evidence from the Council and others that the frequency of use has been limited was based on casual observations and occasional visits. I consider that the consistency, clarity and accuracy of sworn evidence given for the appellant and tested by cross-examination demonstrates that on the balance of probability the property has been used for residential purposes in a manner similar to a holiday home or second home on a regular basis since at least 1986 and perhaps to a lesser extent since 1972. The nature of this residential use is materially different from occasional infrequent overnight stays or camping out in the building in association with the use of the site for leisure or recreational purposes. I consider that the primary use of the building is as a dwellinghouse. There is substantial, precise evidence that the use began more than four years before the date of the LDC application.
16. For the reasons given above and having regard to all other matters raised, I am satisfied, on the evidence now available, that the Council's refusal to grant an LDC in respect of the use of the appeal property as a single dwellinghouse was not well-founded and that the appeal should succeed. I shall exercise the powers transferred to me in Section 195(2) of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991.

Formal Decision

17. In exercise of the powers transferred to me, I allow the appeal and I attach to this decision a Certificate of Lawfulness describing the existing use which I consider to be lawful.

Information

18. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court.

Steven Fox

STEVEN FOX

Inspector



Lawful Development Certificate

The Planning Inspectorate
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT
PROCEDURE) ORDER 1995: ARTICLE 24

IT IS HEREBY CERTIFIED that on 3 September 2002 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and shaded black on plan SF1 attached to this Certificate, was lawful within the meaning of Section 191(2) of the Town and Country Planning Act 1990 (as amended), for the following reason:

The use was immune from enforcement action because it had continued for a period of more than four years before the date of the application.

Signed

Steven Fox.

STEVEN FOX
Inspector

Date

Reference: APP/Q3630/X/03/1117948

First Schedule

Use as a single dwellinghouse as defined in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987.

Second Schedule

Land at The Boat House, Hamm Court, Weybridge, Surrey.

IMPORTANT NOTES – SEE OVER

CERTIFICATE OF LAWFULNESS FOR PLANNING PURPOSES

NOTES

1. This certificate is issued solely for the purpose of section 191 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the use described in the First Schedule taking place on the land specified in the Second Schedule was lawful, on the certified date and, thus, was not liable to enforcement action, under section 172 of the 1990 Act, on that date.
3. This certificate applies only to the extent of the use /operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.



Plan SF1

This is the plan referred to in the Lawful Development Certificate dated:

Steven Fox

Steven Fox BA MA MRTPI
Land at: **The Boat House, Hamm Court, Weybridge,
Surrey**

Reference: APP/Q3630/X/03/1117948

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Scale: 2 3 SEP 2003



PLANNING APPLICATIONS DETERMINED BY

 DIRECTOR OF TECHNICAL SERVICES

FROM 15TH TO 26TH SEPTEMBER 2003

<u>APP. NO.</u>	<u>LOCATION AND PROPOSAL FOLLOWED BY DECISION</u>
03/0858	Access Way to rear of 7 and 8 Hayden Court, New Haw, Addlestone Crown thin and clean Oak tree. DECISION: GRANT
03/0873	20 High Street, Egham Installation of new shopfront to incorporate disabled access, erection of dry store to the rear, rear extraction flue and cold room. DECISION: GRANT
03/0877	Lodge Bros. (Funerals) Ltd., 7 Windsor Street, Chertsey Replacement of air grille with window and surrounding brickwork. DECISION: GRANT
03/0888	12 Aprilwood Close, Woodham, Addlestone Repollard Lime tree. DECISION: REFUSE
03/0889	Binnibecca, Green Road, Egham Erection of two storey side, single storey rear extensions and attached garage to side of property. DECISION: GRANT
03/0892	Seldden, Hamm Court, Weybridge Demolition of existing dwelling and construction of replacement dwelling. (Revised plans received 16.07.03.) DECISION: GRANT
03/0895	Stroude Crossing Cottage, Hollow Lane, Virginia Water Extension to existing rear conservatory. DECISION: GRANT

APP. NO. LOCATION AND PROPOSAL FOLLOWED BY DECISION

- 03/0899 76 Bourneside Road, Addlestone
Erection of two storey rear extension and single storey front extension following demolition of existing conservatory.
DECISION: **REFUSE**
- 03/0904 49 Spring Rise, Egham
Certificate of Proposed Lawfulness for the erection of a single storey rear extension.
DECISION: **REFUSE CERTIFICATE**
- 03/0914 Velindre, Vicarage Road, Egham
Erection of replacement porch to front of property.
DECISION: **GRANT**
- 03/0918 34 Trumps Green Avenue, Virginia Water
Erection of a conservatory to the rear.
DECISION: **GRANT**
- 03/0931 Woodlee Hall, Woodlee Close, Callow Hill, Virginia Water
Erection of single storey rear extension.
DECISION: **REFUSE**
- 03/0934 29 The Orchard, Virginia Water
Erection of a conservatory to the rear of the property.
DECISION: **GRANT**
- 03/0935 Kayell Lodge, 3 Stuart Way, Virginia Water
Erection of a detached garage following demolition of existing garage and new entrance and pedestrian gates to the front of the property.
DECISION: **GRANT**
- 03/0946 J. Sainsbury plc., The Causeway, Staines
Display of 3 No. x freestanding internally illuminated signs to the front of the building.
DECISION: **REFUSE**
- 03/0947 6 St. David's Drive, Englefield Green
Erection of porch to covered staircase of detached garage.
DECISION: **GRANT**

APP. NO. LOCATION AND PROPOSAL FOLLOWED BY DECISION

- 03/0976 4 Chestnut Drive, Englefield Green
Erection of single storey side extension to existing garage and new pitched roof over.
DECISION: **GRANT**
- 03/0977 Number One Englefield Green, Englefield Green
Fell four trees along the northern boundary of the site.
DECISION: **GRANT**
- 03/0978 53 St. David's Drive, Englefield Green
Felling of Beech tree and removal of trunk from Sweet Chestnut tree in the rear garden of the property.
DECISION: **GRANT**
- 03/0980 Outback Steakhouse, Clarence Street, Staines
Consultation from the Borough of Spelthorne for the display of illuminated advertisements.
DECISION: **NO OBJECTION**
- 03/0981 20 High Street, Egham
Display of an internally illuminated fascia sign.
DECISION: **GRANT**
- 03/0983 4 St. Crispin's Way, Ottershaw, Chertsey
Erection of ground floor rear extension and insertion of two additional rear dormers.
DECISION: **GRANT**
- 03/0985 Montfleury, Christchurch Road, Virginia Water
Erection of single storey side extension and alterations to pitched roof.
DECISION: **GRANT**
- 03/0987 86 Ongar Place, Addlestone
Felling of Eucalyptus tree.
DECISION: **GRANT**
- 03/0989 The American School in Switzerland, Coldharbour Lane, Egham
Siting of temporary classroom for a period of 4 months to facilitate completion of classroom extensions.
DECISION: **GRANT**

APP. NO. LOCATION AND PROPOSAL FOLLOWED BY DECISION

03/1001 Gladstone House, Woodlands Road West, Virginia Water
Provision of 4 No. x velux rooflights in the rear elevation of the dwelling under construction, erection of 2.65 metre high entrance wall and gates and detached outbuilding.

DECISION: **GRANT**

03/1004 Compass Cottage, Thorpe Lea Road, Egham
Conversion of garage to habitable accommodation.

DECISION: **GRANT**

03/1010 Green Shadow, 4 Nuns Walk, Virginia Water
Insertion of rooflight to side elevation.

DECISION: **GRANT**

DELEGATED DECISIONS IN CONSULTATION WITH CHAIRMAN & VICE CHAIRMAN

- 03/0876 Lodge Bros. (Funerals) Ltd., 7 Windsor Street, Chertsey
Replacement of air grille to the side with window.
DECISION: GRANT
- 03/0900 1 Victoria Street, Englefield Green
Erection of part single, part two storey rear extension.
DECISION: GRANT
- 03/0936 12 Hollycombe, Englefield Green
Extensions to existing timber pergola within the rear garden of the property.
DECISION: GRANT