

Planning Report

Description of the Land off Pointers Road Cobham Surrey

The site is located on the northern side of Pointers Road and to the south of the River Mole. The site falls within the Metropolitan Green Belt and the vast majority of the site is currently undeveloped woodland.

The land which has been sold as "Plot 3" and "Plot 4", is situated between 2 tracks leading to properties (the eastern track leads to 'Poynters Lea', 'Little Poynters' and 'Poynters Cottage' and the western the track leads to 'Old Poynters', 'Poynters South', 'Heron's View', and 'Woodlands'). While there are less trees on this part of the land than the rest of the site, it has an openness about it.

Grounds for Immediate Article 4 Direction

1. On the 4th June the Council were made aware of a large piece of land off Pointers Road being fenced off and entrance gates being erected adjacent to Pointers Road. After making enquiries the Council became aware that a larger piece of adjoining land had been sold at auction as individual plots, described as 1, 2, 3, 4, 5, 6, 7

(<https://www.barnardmarcusauctions.co.uk/auctions/12-march-2019/70429/>), in addition another piece of land had been sold as one plot (<https://www.barnardmarcusauctions.co.uk/auctions/12-march-2019/69646/>).

2. During another visit to Pointers Road on the 19th June 2019, officers noticed a large number of bushes and low-level vegetation being cleared on a piece land which is identified as Plot 1 & 2 on the auction particulars published by Barnard Marcus 21st March 2019. After making enquiries with those believed to be the new owners of this land, they stated that they owned the property nearby, Little Poynters, and brought the land to prevent any development taking place. They explained that their intention was to reseed the area and keep it as an open meadow. The officers noted that there is a small single storey building (non-residential) which is currently empty on Plot 1. Plots 1 & 2 is situated between 'Poynters Lea' and 'Ty Bryn' with a track leading from Pointers Road to 'Poynters Cottage' and 'Poynters Lea' and 'Little Poynters'. This track borders the western boundaries of these 2 plots. This track also leads to 3 garages on a small area of land adjacent to Plot 2. Between the southern boundary of 'Plot 1' and northern boundary of 'Ty Bryn', there is a brick wall. There is also some low fencing partially enclosing Plots 1 & 2. It is therefore not considered appropriate to include the land at Plots 1 and 2 in the proposed Article 4 Direction.

3. On the 23rd August 2019, officers met the owner of what is identified as Plot 4 on the sales particulars, during a Pre-Application advice meeting. During the meeting the owner enquired about their rights to erect fences to secure the site.

4. The site is best described as undeveloped woodland, located within the Metropolitan Green Belt. Any form of building would require planning permission. Notwithstanding this, any owner of the plots could erect fences (or other means of enclosure) up to two metres in height, or up to one metre where it adjoins a highway, without the need for planning permission, subject to the provisions of Schedule 2, Part 2, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015. In addition, the General Permitted Order 2015, permits temporary change of use of land for various activities for up to 28 days in a calendar year. This could, but is not limited to, use for the land for camping, recreational events or paintballing. Other use of land, such as a caravan site, holding markets or motorcycle racing, are restricted to 14 days a calendar year.

5. The Council considers that development which could be carried out without planning permission, under the provisions of Schedule 2, Part 2, Class A & Part 4 Class B, of The Town and Country Planning (General Permitted Development) (England) Order 2015, would

be have a negative impact on the Green Belt. The National Planning Policy Framework sets out at Paragraph 133 that the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open, and it further states that the essential characteristics of the Green Belt is its openness and its permanence. The erection of means of enclosure, or the temporary change of use of the land is considered to conflict with this fundamental aim of Green Belt Policy.

6. The northern part of the site edged in red on the attached plan falls within Flood Zones, 2 3a and 3b (the functional flood plain). Local Policy CS26 (Flooding) in the Councils Core Strategy adopted 2011 states that development should not constrain the natural function of the flood plain, either by impeding flood flow or reducing storage capacity. The potential for the un-planned erection of means of enclosure could lead to both impedance of flood flow and the reduction of flood storage capacity.

7. The western part of the site on the red edged plan is located within the 400m buffer of the Thames Basin Heath Special Protection Area (TBHSPA). Local Policy CS13 sets out that residential development within the 400m buffer is unable to mitigate potentially harmful impacts upon the protected zone. The use of the land therefore has the potential to introduce additional recreational pressures upon the protected area which would have an adverse impact upon the area's integrity.

8. The service of an immediate Article 4 Direction is justified as the Council have already evidenced the owner of one of the plots erect fencing to mark out the extent of their ownership, there is a genuine threat the other owners will want to demarcate on the land the extent of their ownership by the erection of walls and fences. It is implied within the sales particulars that the land has scope for residential development, however the Council consider the site heavily constrained and do not consider the site appropriate for residential development. The Council have already received through our pre-application advice service, which propose the erection of dwellings. There is genuine concern that once purchasers realise that the plots they have brought for considerable sums, cannot be developed in the way that was implied, they may turn to carry out activities on the land on a temporary basis, to recover some of their investment. It is considered suitable in the circumstances to gain some control over these uses, by removing their ability under permitted development, to carry out these temporary changes of uses.

9. Given the above, it is considered appropriate to withdraw the following permitted development rights from the land affected as such development would be prejudicial to the proper planning of the area of Elmbridge or constitute a threat to the amenities of the area of Elmbridge:

1. Schedule 2, Part 2, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 –

The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.

2. Schedule 2, Part 4, Class B of The Town and Country Planning (General Permitted Development) (England) Order 2015 –

The use of any land for any purpose for not more than 28 days in total in any calendar year, of

which not more than 14 days in total may be for the purposes of—

(a) the holding of a market;

(b) motor car and motorcycle racing including trials of speed, and practising for these activities,

and the provision on the land of any moveable structure for the purposes of the permitted use.