

**Land at Hook Meadow, Philpot Lane,
Chobham**

Portfolio	Regulatory
Ward(s) Affected:	Chobham

Purpose

To provide an update to the Planning Applications Committee regarding outstanding planning enforcement issues at Hook Meadow, Philpot Lane, Chobham.

Background

- 1.1 On 16 December 2013 an exempt paper was presented to the Planning Applications Committee setting out the planning and enforcement history of land at Hook Meadow, Philpot Lane.
- 1.2 That paper explained that two enforcement notices had been served in October 2009 to regularise breaches of planning control arising from the erection of a concealed dwellinghouse and the change of use of land to form a garden area to the unauthorised dwelling. The paper also explained that an appeal against the issue of the Notices had been dismissed.
- 1.3 The purpose of that exempt paper was to seek the Committee's authority for officers to enter the land and undertake works to secure compliance with the Notices. This was sought because negotiations with the owner of the land had failed to secure compliance with the requirements of the Notices; which in summary are to demolish the dwellinghouse and cease the residential use of the land.
- 1.4 The Committee Resolved that the Head of Regulatory be authorised to take direct action to secure compliance with the Notices.

Current Position

- 2.1 Officers sought access to the site in order to assess the extent of the works required to secure compliance with the Notices. This access was secured and a site visit undertaken in May 2014.
- 2.2 This site visit revealed that not only had the Notices not been complied with, but that additional development, in the form of an unauthorised extension to the illegal dwellinghouse, had been erected plus an unauthorised carport.
- 2.3 Officers determined that an injunction was the most appropriate means of restraining any further breaches of planning control and, at the same

time secure compliance with the Notices. If successful the injunction would allow the recently completed extension to be tied to the extant Enforcement Notices.

- 2.4 An application for an injunction was lodged in the High Court and was heard, by his Honour Judge Seymour, on 30 October 2014. Miss Hook represented herself at Court.

Outcome of application for an Injunction

- 3.1 His Honour Judge Seymour granted the Council's application for an injunction.
- 3.2 In summary the requirements of the injunctive order are:
- The cessation of the residential use of the specified garden land by no later than 30 April 2015;
 - The removal of all ornamental planting, decorative features and raised beds from the specified garden land by no later than 30 October 2015; and,
 - The demolition of the unauthorised dwellinghouse (including the porch and recently completed extension) by no later than 30 April 2016.
- 3.3 In summing up, his Honour Judge Seymour had some sympathy for the defendant given the period of time it had taken the Council to seek compliance with the Notices. However, he considered that the protection of the Green Belt was in the public interest. He advised that failure of Miss Hook to comply with the terms of the Injunction would mean that she would be in contempt of court and this could mean a prison sentence. An application to recover the Council's Court costs was refused.

Recommendation

- 4.1 None – for information only.

Annexes: None

Background Papers: None

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