
Appeal Decision

Site visit made on 20 March 2017

by Simon N Hand MA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 March 2017

Appeal Ref: APP/L3625/C/16/3152497

Southside, Sturts Lane, Walton on the Hill, Surrey, KT20 7RQ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Glen Starling against an enforcement notice issued by Reigate & Banstead Borough Council.
 - The enforcement notice was issued on 7 April 2016.
 - The breach of planning control as alleged in the notice is the unauthorised erection of scaffolding equipment and associated racking on the Metropolitan Green Belt and Area of Great Landscape Value without planning permission.
 - The requirements of the notice are to remove the scaffolding and associated racking/temporary storage devices from the Land in its entirety and: - Return the Land to its former condition.
 - The period for compliance with the requirements is 2 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a), (c) and (d) of the Town and Country Planning Act 1990 as amended.
-

Decision

1. The enforcement notice is quashed.

Validity of the notice

2. The site is a large area of paddock and open ground set around the garden of Southside. The enforcement notice covers the whole of the land, including the house and garden and forms a rough triangle between Sturts Lane to the north and the M25 to the south. The notice alleges the erection of scaffolding equipment and associated racking, which it describes in the covering letter as a building or other operation. However, the site is drawn to cover all the land used by the appellant as the Council are concerned the scaffolding is not confined to specific locations but moves about the site.
3. The plan attached to the notice clearly delineates a small triangle in the south-west corner and a small rectangle in the north-east corner as the areas where they allege the scaffolding was being stored at or around the date of the notice. The first problem is that the notice alleges unlawful operations but the Council seem to be treating it as a use.
4. As I saw on my site visit there is in fact a multiplicity of uses and operations taking place on the larger site, although most of it seems to be concentrated in the south-west corner and along the boundary with Sturts Lane to the north. Beginning in the south-west corner, the appellant has helpfully provided a plan detailing 5 structures in this space lettered 'A' to 'E'. As I saw, these are

covered storage areas constructed out of scaffolding with corrugated iron roofs. They have side walls made of corrugated iron or shipping containers, and 'A' has a front with doors that can be closed. There is also a solid concrete block-built building which is labelled 'stables' on the appellant's plan. All these structures have the appearance of being linked to together and form a horseshoe of buildings around an open space, which was a hive of activity during the site visit. Car repairs seemed to be taking place in 'A', scaffolding was stored on large racks in 'E', while 'B', 'C' and 'D' seemed to be being used for storage of trucks, other vehicles and materials. I did not see inside the two shipping containers. Apart from the stables, the structures are all constructed from scaffolding and other materials that could be dismantled and removed. However, they are clearly intended to be permanent and the appellant claims they have been in place for 4 years or more.

5. The northern strip of the site next to Sturts Lane was also being used, or had been used for various matters. The Council defined area was now empty and bulldozed flat, apart from an empty shipping container. Beyond that was a larger area of land fenced off with a large digger and a mound of earth. To the west of the Council defined area was an actual scaffolding use being undertaken. Scaffolding was stored in racks and being loaded not a lorry. There did not seem to be any structures that could be described as permanent in that area.
6. In my view the storage of scaffolding has clearly been taking place at different locations around the site as the Council describe in their representations. There are also various permanent structures in the south-west corner that are being used for a variety of matters, including the storage of scaffolding. It would seem that none of the uses or structures benefit from a planning permission. The notice should therefore have alleged a mix of uses taking place and a number of permanent structures. The appellant has a ground (d) appeal but only concerns himself with the permanent structures, whereas the Council are clearly concerned with the use as well. If I corrected the notice that would be disadvantageous to the appellant who has provided no evidence about the existence of the uses taking place. I cannot deal with the notice on its face value as it alleges permanent structures, but the representations and description of those structures treats them as uses, which does not make sense. In my view the only fair way to deal with this appeal is to quash the notice, so the Council can, if they consider it expedient, re-issue it with a correct allegation, and then both parties can then be certain what they dealing with.

Simon Hand

Inspector