



Appeal Decisions

Inquiry Held on 24, 25, 26, 27 June and 14 July 2025

Site visit made on 24 June 2025

by Paul T Hocking BA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 August 2025

Appeal A: APP/D3640/C/25/3361214

Appeal B: APP/D3640/C/25/3361215

Appeal C: APP/D3640/C/25/3361216

Appeal D: APP/D3640/C/25/3361218

Land at Hillings Nursery, Bagshot Road, Chobham, Woking, Surrey GU24 8DB

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeals are made by Mr Bean Chapman of T. Hilling & Co. Limited (Appeal A), Mr Mark Gregory of Landform Consultants Limited (Appeal B), Mr Anthony Gallagher of Easigrass Distribution Limited (Appeal C) and Mr Andrew Thorne of Andy Thorne Groundworks Ltd (Appeal D) against an enforcement notice issued by Surrey Heath Borough Council.
 - The enforcement notice was issued on 22 January 2025.
 - The breach of planning control as alleged in the notice is: Without planning permission, the material change in the use of the Land to a single mixed use comprising: use as a leisure attraction or play park; use for artificial grass storage and distribution (known as Easigrass Limited); use as a landscaping consultants and maintenance contractor's firm (known as Landform Limited); storage of materials, plant and machinery; use by a groundworks contractor (known as Andy Thorne Groundworks) and use as landscaping display and events space (known as the Glasshouse Collective). The mixed use is facilitated by the creation of hard standings to form vehicle parking areas, the erection of internal fencing and boundary treatment, the placing of storage containers and the creation of hard landscaped areas with prototype buildings, structures and shepherd's hut.
 - The requirements of the notice are: a) Cease the mixed use of the Land; b) Remove from the Land hard standings either side of the access (for the avoidance of doubt, the concrete hard standings used for the purposes of parking vehicles); c) Remove storage containers from the Land; d) Remove all internal fencing and boundary treatment separating Andy Thorne groundworks and the landscape display area from the parking area in the northeastern area; e) Remove all hard landscaping, all prototype buildings, structures and shepherds hut in the Landscape display area; and f) Restore the Land to its condition before the breach occurred.
 - The period for compliance with the requirements is: 6 months for step a); 9 months for steps b), c), d) and e); and, 12 months for step f).
 - The appeals are proceeding on the grounds set out in section 174(2)(a) (Appeal A only), (b), (c), (d), (f) and (g) of the Town and Country Planning Act 1990 as amended.
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Appeal E: APP/D3640/X/25/3361526

- 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 certificate of lawful use or development (LDC).
 - The application Ref 24/0012/CEU dated 20 December 2023 was refused by notice dated 23 January 2025.
 - The application was made under section 191(1)(a) and (b) of the Town and Country Planning Act 1990 as amended.
 - The use for which a certificate of lawful use or development is sought is: The mixed use comprising horticultural nursery, storage, landscaping business, car parking and activities ancillary to these uses, and retention of hardstanding and a flat roof structure and retention of shipping containers.
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Summary of Decisions

Appeals A-D

1. The appeals are allowed subject to the enforcement notice being corrected in the terms set out below in the Formal Decision.

Appeal E

2. The appeal is allowed in-part and a certificate of lawful use or development is issued, in the terms set out below in the Formal Decision.

Application for Costs

3. At the Inquiry an application for costs was made by Mr Bean Chapman of T. Hilling & Co. Limited, Mr Mark Gregory of Landform Consultants Limited, Mr Anthony Gallagher of Easigrass Distribution Limited and Mr Andrew Thorne of Andy Thorne Groundworks Ltd against Surrey Heath Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

4. A Case Management Conference was held virtually on 24 April 2025. This was purely procedural, and the merits of the appeals were not discussed.
5. During the final day of the Inquiry I raised whether I could be provided with a copy of the 'car wash' enforcement notice that was issued on 8 April 2019. The Council were happy for this to be provided, but the appellants considered that further submissions might be required. I therefore did not accept a copy of the notice. Consequently, on further review of all that I had heard and seen, I considered that a copy of the notice and plan would assist my decision making. Given the Council was happy for this to be provided, I requested the appellants provide a copy with relevant submissions if required.
6. The appellants duly provided this including a request that I consider certifying land minus that of the former car wash area. The Council then wanted a further opportunity to respond, however I have powers to certify a smaller area of land and therefore it was always open to me to pursue this course of action. Accordingly, injustice to the parties does not arise and I am also mindful the Council vigorously pursued the implications of the car wash notice during the Inquiry yet despite the extensive bundle of core documents had not provided a copy.

The Enforcement Notice

7. The appellants contend the notice is a nullity. The notice is however not defective on its face as it is not missing some vital element that it should include under s173 of the Act. There is accordingly no fundamental error which renders it null.
8. Injustice to the parties would then not arise from making some corrections to the notice. To this effect, the parties agreed it is not necessary for company names to be cited in the allegation. The requirement to cease the mixed use can then be corrected so that the relevant components of the mixed use are cited for cessation. It is then routine to require that land be restored to its condition before the breach occurred, and which would become more apparent in light of the aforementioned corrections. Such a requirement also does not give rise to the need to reconstruct previous development.
9. It was confirmed by the Council during the Inquiry that the structure referred to in the notice is a glasshouse. I will therefore correct the notice to make reference to a glasshouse.
10. Hardstandings to form vehicle parking areas are also enforced against which are particularised as being concrete hardstandings either side of the access used for the purposes of parking vehicles. It was however apparent from my site visit that there are no such concrete hardstandings. It was suggested by the Council during the Inquiry that reference to concrete could be omitted, as the hardstanding attacked was said to relate to two large car parking areas. This would however expand the scope of the notice which could cause injustice to the appellants. Given no such concrete hardstanding exist as a matter of fact, I will therefore remove reference to hardstandings in their entirety.
11. A plan attached to the notice would have assisted in identifying the various facilitative developments. It was however apparent from my site visit where these developments are or are not located. There is also no requirement in the Act for these to be shown on the notice plan.

Appeals A-D - The ground (b) and (c) appeals

12. For the ground (b) appeal to succeed the onus is on the appellants to demonstrate, on the balance of probabilities, that the alleged breach of planning control has not occurred as a matter of fact. For the appeal to succeed on ground (c) the onus is on the appellants to demonstrate, on the balance of probabilities, that there has not been a breach of planning control. This could be because the matters alleged do not constitute development, planning permission has already been granted for the matters alleged in the enforcement notice or they are permitted development. Given the arguments put forward under these grounds are closely linked, I shall deal with them both together.
13. In issuing the notice, the Council has identified a single planning unit. In contrast, the appellants maintain there are two planning units largely demarcated by a Public Right of Way (PRoW). The parties agreed during the Inquiry that the telecoms mast, broadly central within the site, was in itself of little relevance to my assessment.

14. The area to the south of the PRoW then consists of what is known as Chobham Adventure Farm (CAF). To the north is where the majority of the various other uses targeted by the notice subsist.
15. On the southern land, an area to the south-east was used for storage by Landform Ltd, who are otherwise confined to the northern land. However, the undisputed evidence during the Inquiry was that this was only for a six-month period during 2024, and which has since ceased with the ownership of any remaining associated materials being transferred to and used in connection with CAF. Whilst a material change of use arose at that time, that use has ceased and so the land lawfully reverts to the approved CAF use and did so prior to the issue of the notice.
16. Access from the highway to CAF is then shared with the remainder of the site, which is not in itself an uncommon situation. There is also overflow parking for CAF on the northern land, which is not in dispute. The appellants contend this is a continuation of a longstanding independent parking use on the northern land as opposed solely having been related to CAF. In any event, the character of the overflow parking is simply a broad parking area. There are no other activities or uses pertaining to CAF, and spatially it is not intimately associated to it, given the PRoW, Landform Ltd offices, compound and its parking area are located in-between.
17. There are then planning permissions relating to CAF which extend only to the southern land, apart from the original permission which included access from the highway. There is however an anomaly where a building since referred to as the 'south-east building' falls outside the CAF permission area.
18. It was then apparent during my site visit that the character of the uses are materially different between the northern and southern land. That to the south comprises amongst other things and in no particular order: children's play areas, animals, refreshments and associated facilities along with associated car parking.
19. The northern land is then of a commercial character, with businesses operating. The evidence pertaining to the use of the northern land is that of two landscaping businesses, Landform Ltd and Easigrass Ltd. I include Easigrass Ltd because it provides landscaping services which cannot readily be differentiated from those of Landform Ltd in planning terms. The other businesses, RSR and Andy Thorne, are then using the northern land for storage based upon the available evidence, given their equipment is stored at the site and there is little evidence of any further activities or use.
20. Turning then to Unit P which is located close to the PRoW and is a very small structure. It is used for the storage of items which relate to the running of the overall site and also CAF. I am therefore not persuaded, given its size and use, that this tips the balance in favour of a single planning unit. That being so, whilst finely balanced, as a matter of fact and degree the unit of occupation therefore comprises two physically separate and distinct areas occupied for substantially different and unrelated purposes¹. Even if I am wrong in some respects, fundamentally, each area has a very different primary character and

¹ Per: *Burdle & Williams v SSE & New Forest DC* [1972] 1 WLR 1207

use, which thus adds considerable weight to concluding that each ought to be considered as a separate planning unit.

21. With those two planning units in mind, the Glasshouse Collective is a division of Landform Ltd that started in 2024. A large area of the northern land has been landscaped along with four buildings (the prototype buildings) erected and displayed as well as the shepherd's hut for this purpose. A large glasshouse that was originally erected in around 2017 also forms part of the use and contains a seating area, kitchen and wood burner, amongst other things.
22. Whilst training events for Landform Ltd staff take place here, it is also used by other businesses for ticketed events. Even if there might be some cross-over between Landform Ltd and these businesses, the creation of a large area within the northern land, the use of the glasshouse and how it has been equipped, as well as the other buildings, facilitates a landscaping display as well as events space. Whilst only around seven events have been held in around a seven-month period, given the size and nature of this use I am not persuaded that it is one that can reasonably be held to be ancillary to the other uses taking place on the northern land. It is therefore a primary use in its own right, and as a matter of fact and degree correctly forms part of a mixed use.
23. CAF then benefits from several planning permissions relating to first the use and then subsequent operational development. The parties have differing views as to whether the use is best described as a farm park, which was the basis of the original planning permission, or a leisure attraction/play park, which would connote a broader use.
24. The appellants contend the original planning permission was implemented, and the timing of works and the use commencing is not disputed by the Council. I then place considerable weight on the Council having granted planning permission for subsequent operational development at the site. Indeed, whilst permission was refused, the Council still referred to the site as a farm park in its officer report in March 2025 when considering further operational development. As a matter of fact and degree, the use is also consistent with the typical features of a farm park which were brought to my attention during the Inquiry².
25. In saying that, I accept that the layout of the site differs from what has been approved in terms of pathways, seating areas and the paddock, amongst other things. The main and largest buildings and structures are then located and have the appearance of those that were approved. I also accept that internally the use of floor-space in the first main building then differs from that shown and the mezzanine area might be larger.
26. These are however largely conditional matters caught by the subsequent planning permissions for operational development or internal changes and which have not been the subject of enforcement action. There is then little evidence to demonstrate that such matters go to the heart of a given permission or otherwise tip the balance in favour of a broader use. Whilst very finely balanced, the evidence therefore demonstrates on the balance of probabilities the timely implementation of the farm park use and its

² NFAN Tom Percy Letter

- continuation, even if the animal component is less than had been originally proposed and thus envisaged by the Council.
27. In light of this finding and given the notice does not enforce against or require the removal of any CAF operational development I therefore need not consider the southern area of land further, aside from the south-east building.
28. The erection of internal fencing on the northern land would then be permitted development if it were in connection with a lawful use of the land, and which I will assess under the ground (d) appeal. The appellants then accepted during the Inquiry that there would not be permitted development rights for hard landscaped areas, prototype buildings or the shepherd's hut.
29. There is then little evidence to demonstrate on the balance of probabilities that there are other matters that otherwise do not constitute development, benefit from a permitted development right or that other planning permissions have been granted.
30. The appeals on grounds (b) and (c) therefore succeed in respect of CAF benefitting from the original planning permission and that a mixed-use comprising landscaping businesses, storage and landscaping display and events space subsists on the northern land.

Appeals A-E – The ground (d) appeal and refusal of a certificate of lawfulness

31. Given my findings under the ground (b) and (c) appeals I still need to consider the ground (d) appeal and lawfulness in respect of the northern land. For such appeals to succeed the onus is on the appellants to demonstrate, on the balance of probabilities, that at the time the enforcement notice was issued and/or prior to the submission of the certificate of lawfulness, it was too late to take successful enforcement action. A continuous period of 10 years will therefore need to be demonstrated in respect of use as well as for any facilitative operational development (relevant period).
32. The evidence is that the site was formerly part of some 300 acres used to grow trees. The totality of the appeal site is then around 8 acres and was used for the initial establishment of the trees before they were planted-out onto the wider land and then again when they were re-planted into pots/containers prior to being sold. Between 1991 and 2001 the northern land was then used by Wyevale Nurseries Ltd for the growing and storage of plants and the storage of materials and equipment which supported that wider national business. In 2002 it was operated by Johnsons of Whixley Ltd as a depot for growing plants and the storage and distribution to wholesale clients, until around 2011.
33. By the summer of 2009 Landform Ltd were also present, with use for the storage of machinery and to operate a landscaping business. They remain on the northern land to the present day. RSR Tree Surgeons have been present on the northern land, albeit in different locations, from 2012 to the present day, for a storage use.
34. From spring 2014 to April 2017, Morris Leslie were present on the northern land, storing equipment, and which also included the presence of some 20-30 storage containers. There is little evidence to demonstrate their use of the

- northern land was any more than storage, even though they were a machinery hire business.
35. Easigrass Ltd have then been present from May 2015 and remain to the present day. Finally, Andy Thorne Groundworks have been present from 2017 to the present day, storing equipment.
 36. The evidence of the horticultural use of the northern land is therefore of a diminishing use since the 1990's. Whilst both Landform Ltd and Easigrass Ltd have plants at the site in anticipation of being planted for customers, these are not propagated or cultivated on the northern land. Whilst they inevitably grow, Mr Gregory of Landform Ltd said during his evidence to the Inquiry that plants are not even grown-on but simply nurtured. As a matter of fact and degree, any suggested horticultural use can therefore no longer be a primary use of the land: it is merely nurturing that is incidental to the landscaping businesses whilst the plants are temporarily stored or in-transit.
 37. The evidence then pertaining to a primary parking use is very limited. I accept it might be used by people taking children to school or to go to a local shop, and it has been used for events such as by the rugby club, and others in the village and when works have taken place in the nearby area in connection with road and rail. However, as a matter of fact and degree, there is very little evidence to define or corroborate the spatial extent of the use and for example particularise the number of days or number of vehicles involved. Even if that were the case, the evidence to the Inquiry was still vague and ambiguous when taken in the round and is thus not demonstrative of a material use of the northern land for a relevant period. The evidence is therefore akin to a transient use that would be de minimus in planning terms. As a matter of fact and degree, the evidence therefore does not demonstrate on the balance of probabilities a primary use of the northern land for parking for a relevant period of 10 years.
 38. An unauthorised car wash operated from the site until an enforcement notice was issued in April 2019 and a subsequent appeal decision taken in January 2020. For whatever reason, the Council did not take any other enforcement action at the site at that time or cite the car wash as part of a mixed use. The appellant's planning agent was therefore sympathetic to the view, as am I, that the car wash created a separate planning unit during this time because in taking the action that it did, the Council must have identified a recognisably separate area, even if there wasn't a physical boundary treatment. This however fatally interrupts the current claim for lawfulness on the land attacked by that notice.
 39. There are then a number of facilitative operational developments which would consequently need to demonstrate a relevant period of 10 years. The containers of Easigrass Ltd as well as what is described as a flat roof structure do not satisfy a relevant period, given Easigrass Ltd itself has only been on the northern land since May 2015. This therefore does not satisfy a relevant period in light of the date of the certificate application and issuing of the notice.
 40. Whilst I accept that hardstanding has been a feature of the site for a considerable period of time, the evidence is imprecise as to what areas would be lawful. For example, concrete hardstanding has been laid within the Easigrass Ltd compound to enable the containers to be sited and machinery to

safely operate. This could therefore not be lawful. Similarly, the aerial photographs show how differing areas of hardstanding have been created or laid over time, but very little has been done to sufficiently demonstrate on the balance of probabilities what has actually been in situ for a relevant period. The evidence is therefore not sufficiently precise and does not demonstrate the majority of the northern land for a relevant period.

41. It is evident that the ground (d) appeal then cannot succeed as the appellants cannot demonstrate a relevant period given the mixed use includes the landscaping display and events space which has only subsisted since 2024.
42. However, a relevant period for the purposes of the certificate of lawfulness pre-dates the landscaping display and events space as it seeks certification on 20 December 2023.
43. Accordingly, the evidence demonstrates, on the balance of probabilities, a mixed use for landscaping business and storage, given the use of Landform Ltd since 2009 as well as the other businesses and their use of the northern land for storage and as a further landscaping business. This is not stymied by the introduction of the CAF planning unit as this merely reduced the size of the 8-acre site to that since described as the northern land. There is very little in the way of case law to demonstrate that this would re-start the clock for the purposes of a relevant period. It however excludes the area that was the subject of the car wash notice. The facilitative operational developments also cannot be certified on the balance of probabilities.
44. Whilst the appeal on ground (d) fails, they succeed in-part against the refusal of the certificate of lawfulness in respect of the mixed-use of the northern land, minus the former car wash area, for landscaping business and storage.

Appeal A – The ground (a) appeal

Main Issues

45. The main issues are:

- whether or not the mixed use constitutes inappropriate development within the Green Belt for the purposes of the National Planning Policy Framework (the Framework);
- the effect of the mixed use on the character and appearance of the area;
- the effect of the mixed use on neighbouring living conditions, having particular regard to noise and disturbance;
- whether the mixed use is unacceptably harmful to highway safety;
- the effect on nature conservation; and,
- If the mixed use is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

46. Given my findings under the legal grounds of appeal, the deemed planning application relates to the mixed use of the northern land comprising landscaping businesses, storage, and landscaping display and events space as well as the facilitative developments of the placing of storage containers, creation of hard landscaped areas with four prototype buildings, glasshouse and shepherd's hut. It also relates to the use of the south-east building adjoining CAF for ancillary storage.
47. During the Inquiry it was confirmed for the Council that it does not object to any of the operational development in its own right or the use of the south-east building adjoining CAF for ancillary storage. That is to say that this is not considered to amount to inappropriate development and would otherwise be policy compliant. On the basis I find the mixed use acceptable, I have no reason to disagree, and so I can grant planning permission for these developments, subject to consideration of planning conditions.

Whether inappropriate development in the Green Belt

48. The Government's approach to protecting the Green Belt is set out in Section 13 of the Framework. It states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 142 of the Framework states that the Government attaches great importance to Green Belts. The essential characteristics of Green Belts are their openness and their permanence. Openness is the absence of development. Paragraph 143 then specifies the five purposes which the Green Belt serves, which are to check the unrestricted sprawl of large built-up areas, to prevent neighbouring towns merging into one another, to assist in safeguarding the countryside from encroachment, to preserve the setting and special character of historic towns, and, to assist in urban regeneration.
49. I have found that there is a lawful mixed use for landscaping business and storage on the substantive part of the northern land. In then taking the northern planning unit as a whole, given the evidence was of a previous mixed use since the 1990's, it follows that it has not been last occupied by agricultural or forestry buildings. I therefore find that the northern land meets the definition of previously developed land for the purposes of the Framework.
50. Paragraph 154 g) of the Framework is accordingly engaged. The expansion of the mixed use can then be defined as the use of an area as a landscaping events and display space and the former car wash area as part of the general mixed usage. The use of these areas as part of the mixed use would then not cause substantial harm to the openness of the Green Belt because visually and spatially they do not expand the longstanding size of the northern land. In particular, the landscaping events and display space is very well contained within the site and given the current openness of the former car wash area, which can be preserved subject to a suitably worded planning condition, openness would not be substantially harmed.
51. The parties also accept that the land meets the Framework definition of Grey Belt land. However, in light of my above findings, I do not need to assess this in further detail.

52. I conclude the mixed use does not constitute inappropriate development within the Green Belt for the purposes of the Framework.

Character and appearance

53. The site lies outside the built-up area of Chobham and is partially screened by trees and vegetation. The area then has a distinctly sylvan and rural character.
54. The businesses operating from the site have been in their present locations for a number of years now and with-it the facilitating operational developments. The landscaping display and events space then comprises a landscaped area with the prototype buildings, shepherd's hut and glasshouse. It is accessed via an electric gate and given the surrounding layout is discreetly located. The works have consequently enhanced the character of this part of the site as they are of high-quality design.
55. The mixed use, in particular the landscaping display and events space, is then not conspicuous in views from either the highway or PRoW. The nature, type and scale of commercial activities are therefore not visually detrimental by virtue of the site's location.
56. I conclude the mixed use is not unacceptably harmful to the character and appearance of the area and therefore accords with Policy DM9 of the Surrey Heath Borough Council Core Strategy & Development Management Policies 2011-2028, February 2012 (the LP). This policy, amongst other things, requires development to respect and enhance local character. For the same reasons it accords with the achieving well-designed places objectives of the Framework.

Living conditions

57. The evidence to the Inquiry focussed on complaint about the use of a tannoy as well as noise from children. This however relates to CAF. There was then very little evidence to demonstrate that the comings and goings associated with the mixed use gave rise to noise and general disturbance that was harmful to neighbouring living conditions.
58. I conclude the mixed use is not unacceptably harmful to neighbouring living conditions, having particular regard to noise and disturbance and therefore accords with Policy DM9 of the LP. This policy, amongst other things, requires development to respect the amenities of occupiers of neighbouring property. For the same reasons it accords with the achieving well-designed places objectives of the Framework.

Highway safety

59. There is very little evidence of vehicular accidents in the vicinity of the access to the site. Furthermore, the speed limit has been more recently reduced from 40mph to 30mph. I am then not persuaded that the additional component of the mixed use would result in acceptable harm to highway safety or safety within the site itself, and for which only a limited increase in vehicle movements would arise.
60. I conclude the mixed use is not unacceptably harmful to highway safety and therefore accords with Policy DM11 of the LP. This policy, amongst other

things, requires development to ensure safe and well-designed vehicular access. For the same reasons it accords with the considering development proposals objectives of the Framework.

Nature conservation

61. A Site of Nature Conservation Importance (SNCI) is located adjacent to the boundary with CAF, to the south.
62. There is however very little evidence that the operation of the mixed use and the substantial completion of the facilitative developments has had an adverse impact on the integrity of the nature conservation interest. This is particularly so as CAF is located between it and the SNCI. I am therefore not persuaded that a management plan is needed to protect or enhance the SNCI and thus compensatory measures are otherwise required. This is particularly so as no construction is proposed.
63. I conclude the mixed use is not unacceptably harmful to nature conservation interests and therefore accords with Policy CP14A of the LP. This policy, amongst other things, requires adjacent development to not have an adverse impact on the integrity of the nature conservation interest. For the same reasons it accords with the conserving and enhancing the natural environment objectives of the Framework.

Other considerations

64. It is not in dispute that the mixed use is a source of considerable employment in the local area, some 200 jobs. The display and events space is however only likely to generate a very limited number of jobs.
65. The Council submitted a new Local Plan for examination in December 2024. I agree with the parties that this should be afforded moderate weight. As no determinative conflicts have been brought to my attention, I accordingly need not cite those emerging policies in detail here. The other LP Policies then cited by the parties³ do not fall to be relevant for the purposes of my assessment given my findings on the earlier grounds of appeal and thus the scope of the deemed planning application.
66. I have focussed my assessment on development that is otherwise not lawful or not agreed by the parties to be acceptable. Even if I am wrong to have only done so, there is very little evidence that the continuation of the other components of the mixed use and facilitative developments, the subject of the corrected notice, would give rise to unacceptable planning harms.

Planning balance

67. I have found that the mixed use, facilitative developments and use of the south-east building are not inappropriate development and so accord with national and local policy to protect the Green Belt. There are then no other planning harms arising.

³ Statement of Common Ground

Planning conditions

68. The Council provided a list of suggested planning conditions, and the appellant has subsequently provided comment on these. It was however agreed during the Inquiry that the parties were happy for me to consider and impose any conditions that I felt were reasonable and necessary given the numerous permutations pertaining to the eventual deemed planning application.
69. To this effect, I do not find it relevant or necessary to impose planning conditions on the components of the mixed use that have otherwise been certified. The deemed planning application arises from the mixed-use component of a landscaping display and events space as well as use of the former car wash area. The facilitative developments are then substantially complete.
70. It is therefore relevant and necessary to apply some control on the landscaping displays and events space usage in the interests of neighbouring living conditions. This can be achieved by means of a single planning condition controlling the location and number of events, which will be based on the evidence to the Inquiry that aside from the training of Landform Ltd staff members, there had been seven events in the space of seven months. On that basis it would be reasonable to condition no more than 12 single daily events per calendar year during weekdays. The hours of those events then being between 10am and 8pm, which is broadly consistent with the evidence of those events timings and to protect living conditions even if I am wrong, and that there shall be no amplified music.
71. It is then reasonable and necessary in the interests of openness and the character and appearance of the area that the former car wash area is not used for open storage purposes, and, to secure the location of the existing storage containers for the avoidance of doubt.
72. It is also reasonable and necessary to condition the use of the south-east building for storage purposes ancillary to the use of the adjoining CAF to ensure an independent use does not arise which may raise other planning considerations.
73. There is then little evidence to demonstrate that further planning conditions are otherwise required and/or meet the requisite tests for conditions and as no further construction is proposed, I have not been persuaded that a CEMP is required.

Conclusion

74. For these reasons and having regard to all other relevant matters raised, I conclude that the ground (a) appeal should succeed as above.

Appeals A-E - Overall Conclusion

75. For the reasons given above I conclude that the appeals should largely succeed. I will therefore correct the enforcement notice and grant planning permission for the subsequent mixed-use, facilitative developments and use of the south-east building, as well as issue a certificate of lawfulness. The appeals on grounds (f) and (g) do not therefore need to be considered.

Formal Decisions

Appeals A-D

76. It is directed that the enforcement notice be corrected by:

- deleting the words in section 3. of the notice in their entirety and replacing with the words: *'1. Without planning permission, the material change of use of the south-east building coloured black on the Annexe A plan for storage purposes ancillary to the adjoining farm park. 2. Without planning permission, the material change of use of the land hatched green on the Annexe A plan to a mixed-use comprising landscaping businesses, storage, and landscaping display and events space. The mixed-use is facilitated by the placing of storage containers, creation of hard landscaped areas with four prototype buildings, glasshouse and shepherd's hut.'*
- deleting the words in section 5. of the notice in their entirety and replacing with the words: *'a) Cease the use of the building coloured black for storage purposes; b) Cease the use of the land hatched green as a landscaping display and events space; c) Remove the storage containers, hard landscaped areas, four prototype buildings, glasshouse and shepherd's hut from the land hatched green; d) Restore the land hatched green to its condition before the breach occurred.'*
- *substituting the plan attached to this decision at Annexe A for that attached to the notice.*

77. Subject to these corrections the appeal is allowed and the enforcement notice is quashed. Planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended, for the development already carried out, namely the material change of use of the south-east building coloured black on the Annexe A plan for storage purposes ancillary to the adjoining farm park and the mixed-use of the land hatched green on the Annexe A plan comprising landscaping businesses, storage, and landscaping display and events space as well as the facilitative development by the placing of storage containers, creation of hard landscaped areas with four prototype buildings, glasshouse and shepherd's hut, subject to the following conditions at Annexe B.

Appeal E

78. The appeal is allowed in-part and attached to this decision at Annexe D is a certificate of lawful use or development describing the development which is considered to be lawful.

Paul T Hocking

INSPECTOR

APPEARANCES

FOR THE APPELLANTS:

Mr Richard Harwood KC instructed by Laister Planning for the Appellants

He called Mr Bean Chapman, Appellant
 Mr Anthony Gallagher, Appellant
 Mr Nick Laister, Planning Agent
 Mr Mark Gregory, Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Mr Scott Stemp Counsel instructed by Ivy Legal for the Council

He called Mr Ahsan Ghafoor, Ivy Legal instructed for the Council

INTERESTED PERSONS:

Caroline Cooper, Planning co-ordinator, Chobham Parish Council

DOCUMENTS:

1. Opening submissions on behalf of the Appellants
2. Opening submissions on behalf of the Council
3. Letter from the National Farm Attractions Network
4. Plans LF1039/07 and Q045/03 Rev B
5. Chobham Parish Council statement as read to the Inquiry
6. Three site photographs
7. Comments on list of suggested conditions
8. Closing submissions on behalf of the Council
9. Closing submissions on behalf of the Appellants
10. Costs Application on behalf of the Appellants
11. Costs Response on behalf of the Council
12. Copy of Enforcement Notice issued on 8 April 2019 and appellant's submissions

Plan

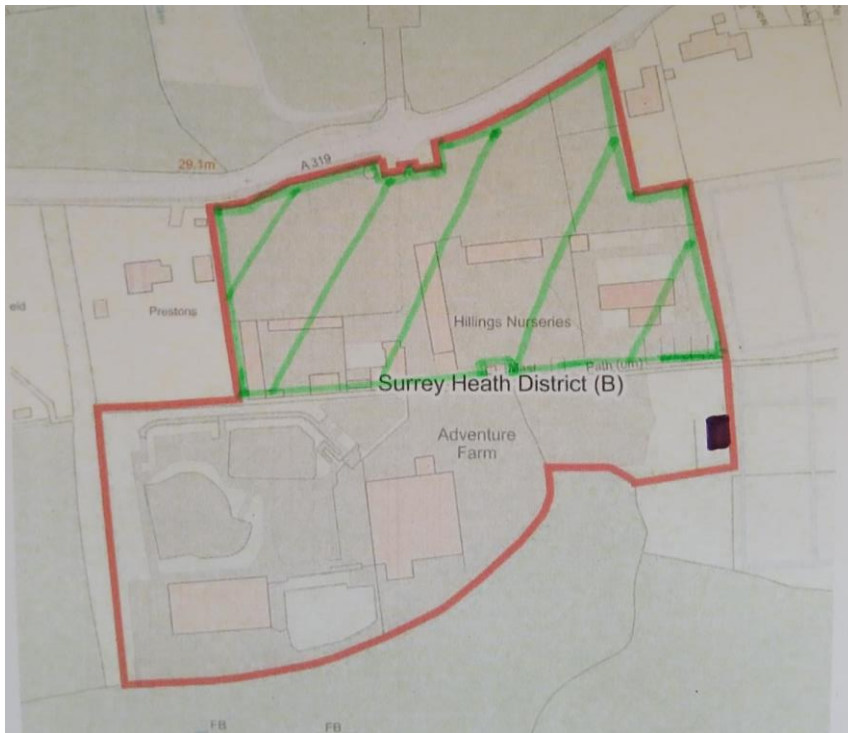
This is the plan referred to in my decision dated: 14 August 2025

by Paul T Hocking BA MSc MRTPI

Land at Hillings Nursery, Bagshot Road, Chobham, Woking, Surrey GU24 8DB

**References: APP/D3640/C/25/3361214, APP/D3640/C/25/3361215,
APP/D3640/C/25/3361216, APP/D3640/C/25/3361218**

Scale: DO NOT SCALE



Annexe B

Reference: APP/D3640/C/25/3361214

1. The building since known as the south-east building and coloured black on the plan attached to this decision at Annexe A shall only be used for storage purposes ancillary to the adjoining farm park.
2. There shall be no open storage on the land edged red on the plan attached to this decision at Annexe C.
3. A plan and details showing the number, size, height and location of the existing storage containers shall be submitted to the Council within 28 days of the date of this decision for approval in writing. The containers shall only be used for purposes in connection with the uses hereby permitted and shall be retained in their current respective locations unless approved in writing by the Council.
4. The landscaping display and events space shall only operate from the part of the site where it currently subsists and which for the avoidance of doubt shall be submitted to the Council by means of a plan within 28 days of the date of this decision, for approval in writing. Aside from the training of Landform Ltd staff members, there shall be no more than 12 single events each calendar year, restricted between the hours of 10am to 8pm, and not during weekends and public holidays. There shall be no amplified music.

END OF CONDITIONS

Plan

This is the plan referred to in my decision dated: 14 August 2025

by Paul T Hocking BA MSc MRTPI

Land at Hillings Nursery, Bagshot Road, Chobham, Woking, Surrey GU24 8DB

Reference: APP/D3640/C/25/3361214

Scale: DO NOT SCALE



Lawful Development Certificate

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

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015: ARTICLE 39

IT IS HEREBY CERTIFIED that on 20 December 2023 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in red on the plan 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 appellants have demonstrated their case for lawfulness on the balance of probabilities in respect of the development described in the First Schedule.

Signed

Paul T Hocking
Inspector

Date: 14 August 2025

Reference: APP/D3640/X/25/3361526

First Schedule

Mixed use for landscaping business and storage

Second Schedule

Land at Hillings Nursery, Bagshot Road, Chobham, Woking, Surrey GU24 8DB

NOTES

This certificate is issued solely for the purpose of Section 191 of the Town and Country Planning Act 1990 (as amended).

It certifies that the use/operations described in the First Schedule taking place on the land specified in the Second Schedule were lawful, on the certified date and, thus, were not liable to enforcement action, under section 172 of the 1990 Act, on that date.

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/operation 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

This is the plan referred to in the Lawful Development Certificate dated: 14 August 2025

by Paul T Hocking BA MSc MRTPI

Land at Hillings Nursery, Bagshot Road, Chobham, Woking, Surrey GU24 8DB

Reference: APP/D3640/X/25/3361526

Scale: DO NOT SCALE

