



17/00365/FUL - Hamiltons Pitch Sheep Walk Shepperton TW17 9NS. N

Scale 1:1,250

© Crown copyright and database rights 2018 Ordnance Survey 100024284.



Planning Committee

13 December 2017



Application Nos.	17/00365/FUL		
Site Address	Hamilton's Pitch, Sheep Walk, Shepperton		
Proposal	Retention of hardstanding and stationing of two residential caravans, associated vehicles and equipment, and tipping of top soil to enable landscaping.		
Applicant	Mr J. Gess		
Ward	Shepperton Town		
Call in details	N/A		
Case Officer	Paul Tomson		
Application Dates	Valid: N/A	Expiry: N/A	Target: N/A
Executive Summary	<p>The applicant has lodged an appeal against the non-determination of the above planning application to the Planning Inspectorate. Local residents have been notified of the appeal and given the opportunity to raise representations to the Planning Inspectorate. The appeal is due to be heard at a hearing on the 23 January 2018. As the appeal is against the non-determination of the planning application, it is considered necessary to establish what decision the Council would have made if they were able to formally determine it. The Council's resolution will form the Council's case at appeal and will be reported to the Planning Inspectorate so that it can be taken into account when they make a decision on the appeal.</p> <p>The site is located within the Green Belt and the proposed hardstanding, temporary stationing of 2 residential caravans, and other associated development constitutes 'inappropriate development' in the Green Belt. Moreover, the proposal will result in a loss of openness and harm the visual amenities of the Green Belt. It is not considered that there are any 'very special circumstances' that would clearly outweigh the harm to the Green Belt.</p> <p>The site is located within an area liable to flood. The provision of residential caravans which are a 'highly vulnerable development' would be inappropriate and would place the occupants at unacceptable risk from flooding. Furthermore, the applicant has failed to demonstrate that the importation of topsoil to create a landscape strip will not have an</p>		

	<p>adverse impact on flood risk.</p> <p>In addition, the proposal is considered to be visually intrusive and would cause significant harm to the character and appearance of this rural area.</p>
Recommended Decision	<p>If the Council had been able to formally determine this application it would have been refused for the reasons set out in Section 9 of the report.</p>

MAIN REPORT

1. Background

- 1.1 In March 2017, the Council received a planning application for the retention of an existing hardstanding, temporary standing of two residential caravans, associated vehicles and equipment, and the tipping of topsoil to enable the creation of a landscape strip. The Council considered the submitted plans and documents to be inadequate in validation terms and the application was never made valid.
- 1.2 The applicant has since lodged an appeal to the Planning Inspectorate following the failure of the Council to determine the planning application within the appropriate period. In particular, the applicant has appealed on the grounds that the Local Planning Authority did not make a decision on the planning application within the appropriate period (8 weeks) because of a dispute over the provision of Local List documents (i.e. plans and documents required to make the application valid). As the planning application was not made valid, neighbouring properties and consultees were not notified of the planning application.
- 1.3 Neighbouring properties and consultees have, however, been notified of the appeal and given the opportunity to make representations to the Planning Inspectorate. The appeal is due to be heard at a hearing to be held at the Council Offices on the 23 January 2018 (neighbours will be notified of this nearer the time).
- 1.4 The site and the wider area of land to the west of Sheep Walk has been subject to extensive planning and enforcement history. In December 2013 an Injunction was issued by the High Court against the land owned by the applicant (outlined in blue on the application site location plan), and in relation to the land further to the south and west. The Injunction prevents the land being used for residential purposes and precludes the stationing of any caravans, mobile homes, other structures, and the parking of vehicles. It also prevent the importation of waste material or the laying of hardstanding.
- 1.5 After 3 years of non-compliance of the above Injunction and the threat of imprisonment, the applicant moved their mobile homes and associated equipment off their land and onto the adjacent piece of land which is subject to the current application/appeal. This land is owned by Highways England.

The applicant also installed the hardstanding which is subject to the current application/appeal. The Council subsequently applied for a second Injunction that related specifically to the Highways England land. The Injunction was issued by the High Court in September 2017 and prevented the use of the land for residential purposes, parking of caravans, mobiles homes, lorries, trailers and other associated equipment. At the time of writing, the applicant was still occupying the land subject to the current appeal and is in breach of the 2017 Injunction.

2. **Development Plan**

2.1 The following policies in the Council's Core Strategy and Policies DPD 2009 are considered relevant to this proposal:

- LO1 (Flooding)
- HO6 (Sites for Gypsies and Travellers)
- HO7 (Sites for Travelling Showpeople)
- EN1 (Design of New Development)
- EN8 (Protecting and Improving the Landscape and Biodiversity)

2.2 It is also considered that the following saved Local Plan policy is relevant to this proposal:

- GB1 (Green Belt)

3. **Relevant Planning History**

10/00204/ENF	Enforcement Notice against the change of use of the land to a mixed use of open land and the siting of mobiles homes, caravans, and metal storage containers	Enforcement Notice issued 10/08/2012
--------------	--	---

(Officer note: this relates to land to the west and south of the application site)

SP16/010702/ SCC	Certificate of Lawful Use or Development for the deposit of at least 18 inches of topsoil on the land.	Refused 16/09/2016 Appeal Dismissed 04/10/2017
---------------------	--	--

(Officer note: this application relates to land to the west and south of the application site. The application was determined by Surrey County Council)

14/01266/FUL	Provision of 11,400 square metres of hard-standing, siting of 8 mobile homes and the storage of vehicles and equipment to be used as a site for travelling showmen.	Refused 05/03/2015
--------------	---	-----------------------

(Officer note: this application related to the land immediately to the west and north of the current planning application, which is owned by the applicant)

- 3.1 The above planning application was refused for 3 separate reasons:
- 1) The development represents inappropriate development in the Green Belt for which no very special circumstances have been demonstrated. It will result in the site having a more urban character, will diminish the openness of the Green Belt and conflict with the purposes of including land within it. It is therefore contrary to Policy GB1 of the Spelthorne Borough Local Plan 2001, Policy HO7 of the Core Strategy and Policies DPD 2009, and Section 9 (Protecting Green Belt Land) of the Government's National Planning Policy Framework 2012.
 - 2) The site is located within Flood Zones 2, 3a and 3b and is entirely surrounded in the wider area by Zones 3a/3b, and the provision of the mobile homes which are a 'highly vulnerable development' would be inappropriate and would place the new occupants at unacceptable risk from flooding. Furthermore, the applicant has failed to demonstrate that the import of material to create the proposed hardstanding will not have an adverse impact on flood risk. The development is therefore contrary to Policy LO1 of the Core Strategy and Policies DPD 2009, the Supplementary Planning Document on Flooding 2012, and Section 10 of the National Planning Policy Framework 2012.
 - 3) No ecological surveys have been submitted with the application and it is not therefore possible to ascertain the full impact of the proposal on any protected species. The proposal is therefore contrary to Circular 06/2005 and Policy EN8 of the Council's Core Strategy and Policies DPD 2009.
- 3.2 As mentioned above, an Injunction has been issued on the land. The Planning Committee agreed to give authority to apply for an Injunction on the 08 March 2017. The Injunction was issued by the High Court on the 25 September 2017.

4. Description of Current Proposal

- 4.1 The application relates to a piece of land of 0.1 hectares located to the west of Sheep Walk in Shepperton. Up until recently, the land was free of development and comprised trees and other vegetation. The site is owned by Highways England. The site lies within the Green Belt. It is also within an area liable to flood (part Zone 2, part Zone 3a, and part Zone 3b)
- 4.2 The application proposes the retention of existing hardstanding, temporary standing of two residential caravans, associated vehicles and equipment and the tipping of top soil to enable landscaping. However, it is relevant to note that the location of the proposed tipping of topsoil to enable the creation of a landscape strip is located outside the red line of the application site boundary.

5. Consultations

- 5.1 No consultations were carried out as the application was not made valid.

6. Public Consultation

- 6.1 No neighbour notifications were carried out as the application was not made valid. Neighbours have been subsequently advised of the appeal and invited to make representations to the Planning Inspectorate.

7. Planning Issues

- Principle
- Flooding
- Green Belt
- Human Rights
- Character and Appearance

8. Planning Considerations

Principle

- 8.1 Policy HO7 of the Core Strategy and Policies DPD (CS & P DPD) deals specifically with sites for travelling showpeople. It states that the Council will safeguard its existing sites for travelling showpeople from alternative uses and will permit additional sites where a need has been identified provided:

- (a) The development is not in the Green Belt and would not have an adverse impact on adjoining properties,
- (b) The site has safe and convenient access to the highway network,
- (c) The development would not be visually intrusive or detrimental to the appearance or character of the area.

- 8.2 The supporting text to Policy HO7 refers to the existing sites for travelling showpeople in the Borough. These are:

- (a) The Orchard, Napier Road, Ashford,
- (b) The Beeches, Grays Lane, Ashford,
- (c) 29 Chatterern Hill, Ashford,
- (d) 201 Feltham Hill Road/11-15 Poplar Road, Ashford.

These are all in the urban area.

- 8.3 Policy E (Traveller Sites in the Green Belt) of the Government's Planning Policy for Traveller Sites August 2015 states that:

"Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development. Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances."

- 8.4 Policy H (Determining Planning applications for Travellers Sites) of the Government's Planning Policy for Traveller Sites August 2015 states that:

"If a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission. The exception is where the proposal is on land designated as Green Belt; sites protected under the Birds and Habitats Directives and/or sites designated as Sites of Special Scientific Interest; Local Green Space, an Area of Outstanding Natural Beauty, or within a National Park (or the Broads)."

- 8.5 It is relevant to note that on the 17 December 2015 the Minister of State for Housing and Planning made a Written Ministerial Statement that relates to unauthorised development in the Green Belt. The Ministerial Statement states:-

"This Statement confirms changes to national planning policy to make intentional unauthorised development a material consideration, and also to provide stronger protection for the Green Belt, as set out in the manifesto.

The Government is concerned about the harm that is caused where the development of land has been undertaken in advance of obtaining planning permission. In such cases, there is no opportunity to appropriately limit or mitigate the harm that has already taken place. Such cases can involve local planning authorities having to take expensive and time consuming enforcement action.

For these reasons, we introduced a planning policy to make intentional unauthorised development a material consideration that would be weighed in the determination of planning applications and appeals. This policy applies to all new planning applications and appeals received since 31 August 2015.

The Government is particularly concerned about harm that is caused by intentional unauthorised development in the Green Belt."

- 8.6 With regard to the Council's review of their Local Plan and an assessment of travellers/showpeople needs in the Borough, the Council is in the early stages of preparing a new Local Plan and is currently producing and reviewing its evidence base. A new Local Development Scheme has been published, which sets out the timetable for producing the Local Plan, and it is anticipated that the first stage of consultation will commence in April/May 2018 with adoption in September 2020. As part of the plan preparation, the Council has recently appointed consultants Opinion Research Services (ORS) to carry out a Gypsy & Traveller Accommodation Assessment (GTAA). This will ensure that we have the most up to date assessment of need as part of our evidence base. The last assessment undertaken by the Council was part of the North Surrey GTAA between Spelthorne, Elmbridge, Runnymede and Woking Borough Councils published in 2007 and covering the period 2006-2016. This work was undertaken to inform the partial review of the South East Plan before the revocation of Regional Spatial Strategies and pre-dates the

Government's Planning Policy for Traveller Sites 2015. It is anticipated that our latest GTAA will be published in February 2018.

- 8.7 It is relevant to note that Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that "*If regard is to be had to the development plan for the purpose of any determination to be made under the planning acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.*"

Flooding

- 8.8 Policy LO1 of the CS & P DPD states that the Council will seek to reduce flood risk and its adverse effects on people and property in Spelthorne by not permitting residential development or change of use or other 'more vulnerable' uses within Zone 3a or 'highly vulnerable uses' [*officer note – e.g. mobile homes*] within Zone 2 where flood risks cannot be overcome. The policy also states that the Council will maintain flood storage capacity within Flood Zone 3 by refusing any form of development on undeveloped sites which reduces flood storage capacity or impedes the flow of flood water. It will maintain the effectiveness of the more frequently flooded area (Zone 3b) of the floodplain to both store water and allow the movement of fast flowing water by not permitting any additional development including extensions.
- 8.9 The Council's Supplementary Planning Document (SPD) on Flooding 2012 provides further guidance regarding the Council's policy on flooding. In Table 4 it confirms that caravans and mobile homes are classified as 'highly vulnerable' uses. Paragraph 4.14 refers to 'Dry Islands' – areas of slightly higher ground that will be surrounded by flood water in times of flood. It states that during prolonged periods of flooding those living in these areas may be unable to leave and may require the assistance of the emergency services. Building additional residential properties on land surrounded by 1 in 20 and 1 in 100 flood risk areas will add to the problems a major flood will cause to emergency services and occupants.
- 8.10 The site is located partly within Zone 2, part Zone 3a, and part Zone 3b. The wider area is wholly Flood Zone 3a and 3b, and the areas of the site (and land to the west) within Zone 2 are effectively on a dry island. It is relevant to note that the site is located close to the flood relief arches under the motorway. These enable the build-up of floodwater from the area to the north of the motorway to flow through to the south, including onto the application site. The proposal involves the importation of 1,700 cubic metres of topsoil (10m wide, 1m deep and 170m in length) on land that is free of development. This will effectively result in the raising of the land in Flood Zone 3b causing an unacceptable loss of flood storage capacity.
- 8.11 A Flood Risk Assessment (FRA) has been submitted with the application. The FRA makes the following conclusions:
- The risk of flooding to the land is likely to change as the land is within the River Thames Flood Alleviation scheme.

- The land at Sheep Walk benefits from an extant planning permission enabling the tipping of topsoil to a depth of at least 18 inches to secure its restoration to agricultural land

8.12 It is considered that the proposal will be unacceptable on flooding grounds, and that the application is refused on this basis. A large area of topsoil (1,700 cubic metres) is likely to have the effect of displacing floodwater, which could otherwise be stored on the site. There is no planning permission in place for a River Thames Alleviation Scheme, nor has a planning application been submitted. Consequently, it is not likely at this stage if such a scheme will be implemented. The application for the Certificate of Lawful Use or Development to deposit at least 18 inches of soil on the land was refused by Surrey County Council and dismissed at appeal. The lack of a safe means of escape will place additional pressure on the emergency services in the event of a flood. No evidence has been submitted to demonstrate that there are no other available sites in the Borough or elsewhere in the south-east that can accommodate travelling showmen in a less high risk flood zone.

8.13 The applicant has referred to the Sequential Test and Exception Test in relation this planning application. Paragraphs 100 – 102 of the NPPF sets out the tests for applying the Sequential and Exception Test. Paragraph 101 states that the aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The application site is considered to be at high risk of flooding, particularly as it is largely within Flood Zone 3b, as well as being surrounded by Flood Zone 3b. The applicant has not identified any alternative sites with a lower risk of flooding, nor has he referred to the existing travelling showmen sites in the Borough. It is therefore considered that the Sequential Test has not been applied (or passed) in this case. Paragraph 102 states that if, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate. For the Exception Test to be passed it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk. A site specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible, will reduce flood risk overall. Even if the applicant were able to pass the Sequential Test (he has not), the proposed development would not pass the Exception Test. It would not provide any wider sustainability benefits to the community. It will introduce mobile homes (highly vulnerable use) to an area surrounded by Flood Zone 3b which would not be safe for the occupants. Furthermore the land-raising caused by the hardstanding would increase flood risk elsewhere.

Character and Appearance

8.14 Policy HO7 (Sites for Travelling Showpeople) of the CS & P DPD states that the Council will permit additional sites where a need has been identified provided the development would not be visually intrusive or detrimental to the

appearance or character of the area. Policy EN1 (Design of New Development) of the CS & P DPD states that proposals for new development should demonstrate that they will create buildings and places that are attractive with their own distinct identity; they should respect and make a positive contribution to the street scene and the character of the area in which they are situated, paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land.

- 8.15 Up until recently, the site was free of development and comprised trees/shrubs and other vegetation. It is considered that laying of the site with hardstanding and the stationing of residential caravans, large vehicles and other associated equipment causes significant harm to the character and appearance of this rural area. The development is in a prominent location next to the carriageway of Sheep Walk and it is considered to be visually intrusive and fails to make a positive contribution to the street scene.

Green Belt

- 8.16 The site is located within the Green Belt. Section 9 of the NPPF sets out the Government's policy with regard to protecting Green Belt Land. It states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The policy is similarly reflected in the Council's Saved Local Plan Policy GB1.
- 8.17 It is considered that the retention of hardstanding and stationing of residential caravans, and associated vehicles and equipment constitutes inappropriate development in the Green Belt. It is also considered that the importation of top soil constitutes inappropriate development. The proposal does not fit into any of the exceptions stipulated in Paragraphs 89 and 90 of the NPPF. Paragraph 89 relates to the erection of buildings in the Green Belt. None of the development subject to the planning application/appeal involves the construction of new buildings. With regard to Paragraph 90, this does state that *engineering operations* can be considered as 'not inappropriate' development in the Green Belt, provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. However, the proposed hardstanding and tipping of topsoil (which are engineering operations) are considered not to preserve the openness of the Green Belt (they also conflict with the purposes of the Green Belt) and they do not fit into the exceptions set out in Paragraph 90 of the NPPF. The Government's Planning Policy Document March 2012 confirms in paragraph 14 that traveller sites (temporary or permanent) in the Green Belt are inappropriate development.
- 8.18 Up until recently, the site was free of development. The proposal results in a substantial loss of openness of the Green Belt. An area of 0.1 hectares is laid with hardstanding, which in itself causes a significant loss of openness. The provision of the hardstanding will enable the parking of vehicles, the stationing of equipment and the installation of the 2 no. residential caravans, all of which will cause a further substantial loss of openness. It is considered that the loss of openness within the site is harmful and contrary to Green Belt policy, and

weighs heavily against the merits of the development. I would also conflict with the purposes of the Green Belt. In particular, it would not comply with the purposes of preventing neighbouring towns merging together and assisting in safeguarding the countryside from encroachment. This is in addition to the substantial harm caused by the development being, by definition, inappropriate development in the Green Belt.

- 8.19 It is also considered that the proposal will harm the visual amenities of the Green Belt. Whilst the eastern boundary of the site where it adjoins Sheep Walk is lined by a hedge and embankment, there will be views into the site from Sheep Walk and Chertsey Road. The development will be visible from the bridge over the motorway, and from the motorway itself. It will also be seen through the access to the site.
- 8.20 The NPPF states that "*As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.*"
- 8.21 It is relevant to note that the applicant has not made any assessment of available sites in the urban area, which could be presently acquired. As noted above, there are 4 existing travelling showmen sites within Borough that are located within the urban area. However, no evidence has been submitted with the application.
- 8.22 The applicant has put forward some considerations in their covering letter to the planning application and in their statement of case for the appeal, which they consider justifies the development in the Green Belt. These are summarised below: -
- It is understood that large areas of damaged Green belt are to be removed from Flood Zones 2 and 3 by the Environment Agency as a result of the River Thames Flood Alleviation Scheme.
 - It is apparent from a Land Registry document that developers have been assured that land that forms part of the Sheep Walk complex is to be removed from the Metropolitan Green Belt
 - The land benefits from a planning consent in the 1950's enabling tipping of at least 18 inches of topsoil to support vegetation growth. The land is about 1.5 metres lower than it was prior to its excavation as sand/gravel pits and it being used as a tip. If the engineering works are undertaken there would be an impact on the Lower Thame Flood Alleviation Scheme, and there would be increases in the probability of flooding affecting other properties.
 - The applicant is unable to identify alternative accommodation.

- The land is not subject to any enforcement notice or Injunction, and there is existing hardstanding. The hardstanding appears to have been laid when the land was used as a tip.

8.23 I give no weight to the appellant's justification for permitting the development in the Green Belt and do not consider the points made constitute "very special circumstances". I respond to each of the applicant's considerations as set out below:-

- There is no planning permission in place for the River Thames Flood Alleviation Scheme. No planning application has been submitted and there is no likelihood at this stage that the scheme will be implemented.
- As part of the local plan review presently under way, a Green Belt assessment of the Borough was undertaken in October 2017. This shows that the appeal site and surrounding land is performing strongly in two purposes; to prevent neighbouring towns from merging and to assist in safeguarding the countryside from encroachment.
- As mentioned in Section 3 of this report, an application for a Certificate of Lawful Use or Development for the deposit of at least 18 inches of topsoil on the land was refused by Surrey County Council in 2016. A subsequent appeal was dismissed in 2017. The 1950's planning permission is spent and any tipping of topsoil to raise the level of the land would be unauthorised.
- The applicant has provided no evidence to demonstrate that there are no other possible sites in the urban area that could be privately acquired in Spelthorne and the South-East. There are some existing travelling showmen sites in the Borough but the applicant has not referred to them. In any case, the Government has confirmed that personal circumstances and unmet need for traveller sites is unlikely to outweigh harm to the Green Belt and other harm to constitute the "very special circumstances" justifying inappropriate development in the Green Belt.
- As mentioned in Section 3 of this report, the site is subject to an Injunction and the applicant is in breach of it. The hardstanding subject to this application/appeal has been in existence for much less than the 4 year immunity limit and is unauthorised.

8.24 In assessing this application it is necessary to weigh up the merits of the scheme against the harm to the Green Belt, together with any other harm. Other harm has been identified in terms of flood risk and impact on the character and appearance of this rural area. As mentioned above, the scheme is unacceptable on this particular issue and substantial weight should be applied, in addition to the substantial weight given in Green Belt terms.

8.25 To conclude, the development constitutes inappropriate development in the Green Belt and this, in itself, weighs heavily against the merits of the scheme. In addition, the proposal results in a reduction in the openness of the Green

Belt, and will harm the visual amenities of the Green Belt. The NPPF para 88 requires 'substantial weight' to be given to any harm to the Green Belt. The development causes 'other harm' (as referred to in Paragraph 88) in terms of flood risk and harm to the character and appearance of the rural area and these issues weigh heavily against the merits of the scheme. The considerations put forward by the applicant are not considered to constitute very special circumstances to weigh against the 'significant harm'. The proposal is therefore contrary to the Section 9 of the NPPF and saved Local Plan Policy GB1.

- 8.26 The provisions of the European Convention on Human Rights such as Article 1 of the First Protocol, Article 8 and Article 14 are relevant when considering action which involves the loss of residential accommodation. There is a clear public interest in enforcing planning law and planning regulation in a proportionate way. In deciding whether enforcement action is taken, local planning authorities should, where relevant, have regard to the potential impact on the health, housing needs and welfare of those affected by the proposed action, and those who are affected by a breach of planning control. Having considered the proportionality of seeking an injunction requiring the removal of the unauthorised occupants from the land, it is concluded that in all the circumstances the public interest in maintaining effective planning control and protecting the Green Belt outweighs the unauthorised occupants' rights to a private and family life and the interests of the children. In view of the need to enforce planning law for the public good, it is considered that to pursue cessation of the residential use of the land would not contravene the Human Rights Act..

Other Matters

- 8.27 It is not considered that the proposed laying of top soil to enable the provision of a landscape strip would cause an unacceptable loss of wildlife habitat. Whilst the area of land to be laid with top soil is located outside the application site, this particular element will not result in any loss of trees or other significant vegetation.
- 8.27 There are no residential properties immediately near to the site and it is not considered that any noise and disturbance from the site could adversely affect any existing dwellings in the area.

9. Recommendation

- 9.1 That had the Council been able to formally determine this application it would have been REFUSED for the following reasons:-
1. The development represents inappropriate development in the Green Belt for which no very special circumstances have been demonstrated. It will result in the site having a more urban character, will diminish the openness of the Green Belt and conflict with the purposes of including land within it. In particular, it would not comply with the Green Belt purposes: to prevent neighbouring towns merging together; and to assist in safeguarding the countryside from encroachment. It is therefore contrary to Policy GB1 of the Spelthorne Borough Local Plan 2001, Policy HO7 of the Core Strategy and

Policies DPD 2009, and Section 9 (Protecting Green Belt Land) of the Government's National Planning Policy Framework 2012.

2. The site is located within Flood Zones 2, 3a and 3b and is entirely surrounded in the wider area by Zones 3a/3b, and the provision of the residential caravans which are a 'highly vulnerable development' would be inappropriate and would place the new occupants at unacceptable risk from flooding. Furthermore, the applicant has failed to demonstrate that the import of topsoil to create the proposed landscape strip will not have an adverse impact on flood risk. The development is therefore contrary to Policy LO1 of the Core Strategy and Policies DPD 2009, the Supplementary Planning Document on Flooding 2012, and Section 10 of the National Planning Policy Framework 2012.
3. The siting of the residential caravans, laying of hardstanding and other associated development results in a loss of vegetation in this rural location, would be visually intrusive, and would cause significant harm to the character and appearance of this rural area, contrary to Policies HO7 and EN1 of the Core Strategy and Policies DPD 2009.