

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

**TOWN AND COUNTRY PLANNING ACT 1990
(as amended)**

ENFORCEMENT NOTICE

Enforcement Reference Number(s): EN/2021/12

ISSUED BY: WAVERLEY BOROUGH COUNCIL

1. **THIS NOTICE** is issued by the Council because it appears to them that there has been a breach of planning control within paragraph (a) of Section 171 A (1) of the above Act, at the land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations. The Annex at the end of the Notice and the enclosures to which it refers contain important additional information.

2. **THE LAND TO WHICH THE NOTICE RELATES**

Land known as 17 Frensham Road, Lower Bourne, Farnham GU9 8HF shown edged red on the attached plan ('the Land').

3. **THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL**

1. Without planning permission, the erection of a dwelling in the approximate position marked 'A' on the attached plan ('the dwelling').
2. Without planning permission, an engineering operation comprising of the creation of hardstanding in the approximate areas crosshatched black on the attached plan.

3. Without planning permission, a building operation comprising of the erection of steps in the approximate areas coloured yellow on the attached plan.
4. Without planning permission, a building operation comprising the installation of retaining walls marked by blue lines on the attached plan.
5. Without planning permission, the carrying out of an engineering operation to materially change the levels of the Land in the approximate area within the green line on the attached plan.

The levels before the breach took place can be identified as being the existing spot levels identified on the submitted Existing Site (Block) Plan and Location Plan for planning application WA/2017/1549. A copy of this plan is attached as **Appendix JB1**.

4. REASONS FOR ISSUING THIS NOTICE

It appears to the Council that above breaches of planning control have occurred within the last four years.

The operations described as constituting a breach of planning control constitute development as described within Section 55 (1) of the Town and Country Planning Act 1990 (as amended).

Planning permission has been refused for the erection of the dwelling under planning application WA/2020/1798 and an appeal (ref. APP/R3650/W/22/3291680) against the Councils decision to refuse the application has been dismissed by the Planning Inspectorate.

The unauthorised erection of the dwelling on the Land is not in accordance with the Development Plan.

The dwelling, by virtue of its siting, height and materials is unduly prominent, visually dominant, materially harms the character of the street scene and is detrimental to the well-wooded appearance of the immediate and wider area.

The retention of the hardstanding, stairs, and retaining walls following removal of dwelling would result in the presence of unnecessary incongruent development remaining on the Land.

The construction of hardstanding, stairs and retaining walls and alterations to land levels constitutes material harm to the street scene and visual character of the area.

No appropriate mitigation measures are in place in respect of the adverse effect the dwelling has on the integrity of the Thames Basin Heath SPA.

The construction of the dwelling appears to have been substantially completed by late Spring 2019 and therefore, to prevent immunity through the passage of time, the service of an enforcement notice to stop the clock is considered proportionate and expedient.

On the above basis, the erection of the dwelling and associated engineering and building operations undertaken on the Land is contrary to the NPPF and to Policies TD1, NE1 and NE3 of the Local Plan (Part 1) 2018, Policies FNP1, FNP8, FNP12 and FNP13 of the Farnham Neighbourhood Plan (2017), retained Policies D1, D4, of the Local Plan 2002, Policy NRM6 of the South East Plan, the Conservation of Habitats and Species Regulations 2017 (as amended), and the Farnham Design Statement.

5. WHAT YOU ARE REQUIRED TO DO

1. Remove the dwelling shown in the approximate position marked 'A' on the attached plan.
2. Remove the hardstanding in the approximate areas crosshatched black on the attached plan.
3. Remove the steps in the approximate areas coloured yellow on the attached plan.
4. Remove the retaining walls marked by blue lines on the attached plan.
5. Restore the levels of the land in the area marked green on the attached plan to the levels of the land before the engineering operations took place.

The levels before the breach took place can be identified as being the existing spot levels identified on the submitted Existing Site (Block) Plan and Location Plan for planning application WA/2017/1549. A copy of this plan is attached as **Appendix JB1**.

6. Remove all materials from the Land resulting from compliance with steps (1-5) above.

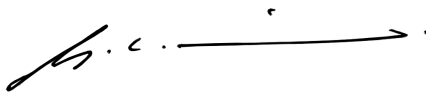
6. TIME FOR COMPLIANCE

Time for compliance with the steps set out in Paragraph (5) above is **twelve months after this Notice takes effect**.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on **9th January 2023** unless an appeal is made against it beforehand.

Dated: 01/12/2022

Signed: 

Gilian Macinnes – Executive Head of Planning Development (Waverley & Guildford)

on behalf of Waverley Borough Council, Council Offices, The Burys, Godalming, Surrey, GU7 1HR.

Nominated officer: John Bennett

Email: John.Bennett@waverley.gov.uk

Telephone number: 01483 523414

ANNEX

Waverley Borough Council has issued an enforcement notice relating to **Land known as 17 Frensham Road, Lower Bourne, Farnham GU9 8HF** as shown edged red on the attached plan ('the Land') and you are served with a copy of the notice as you have an interest in the Land. Copies of the notice have also been served on the parties listed at the end of this Annex.

YOUR RIGHT OF APPEAL

You can appeal against this Notice, but any appeal must be **received** by the by the Planning Inspectorate (or be posted or electronically communicated at such time that, in the ordinary course of post or transmission, it would be received by the Planning Inspectorate) **before** the date specified in paragraph 7 of the Notice.

The enclosed information sheet published by the Planning Inspectorate gives details of how to make an appeal.

GROUND OF APPEAL

The grounds of appeal are set out in section 174 of the TCPA 1990. You may appeal on one or more of the following grounds that:

- In respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged (ground a).
- Those matters have not occurred (ground b).
- Those matters (if they have occurred) do not constitute a breach of planning control (ground c).
- At the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters (ground d).
- Copies of the enforcement notice were not served as required by section 172 of the TCPA 1990 (ground e).
- The steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters

or, as the case may be, to remedy any injury to amenity which has been caused by such breach (ground f).

- Any period specified in the notice in accordance with section 173(9) of the TCPA 1990 falls short of what should reasonably be allowed (ground g).

Not all of these grounds may be relevant to you.

PLANNING APPLICATION FEE

If you wish to appeal on ground (a) of section 174(2) of the TCPA 1990 this is the equivalent of applying for planning permission for the development alleged in the notice and you will have to pay a fee of £924. You should pay the fee to Waverley Borough Council. If the fee is not paid then that ground of appeal will not be valid.

STATEMENT ON GROUNDS OF APPEAL

If you decide to appeal, you should state in writing the ground(s) on which you are appealing against the enforcement notice and you should state briefly the facts on which you intend to rely in support of each of those grounds. If you do not do this when you make your appeal the Secretary of State will send you a notice requiring you to do so within 14 days.

STATUTORY PROVISIONS

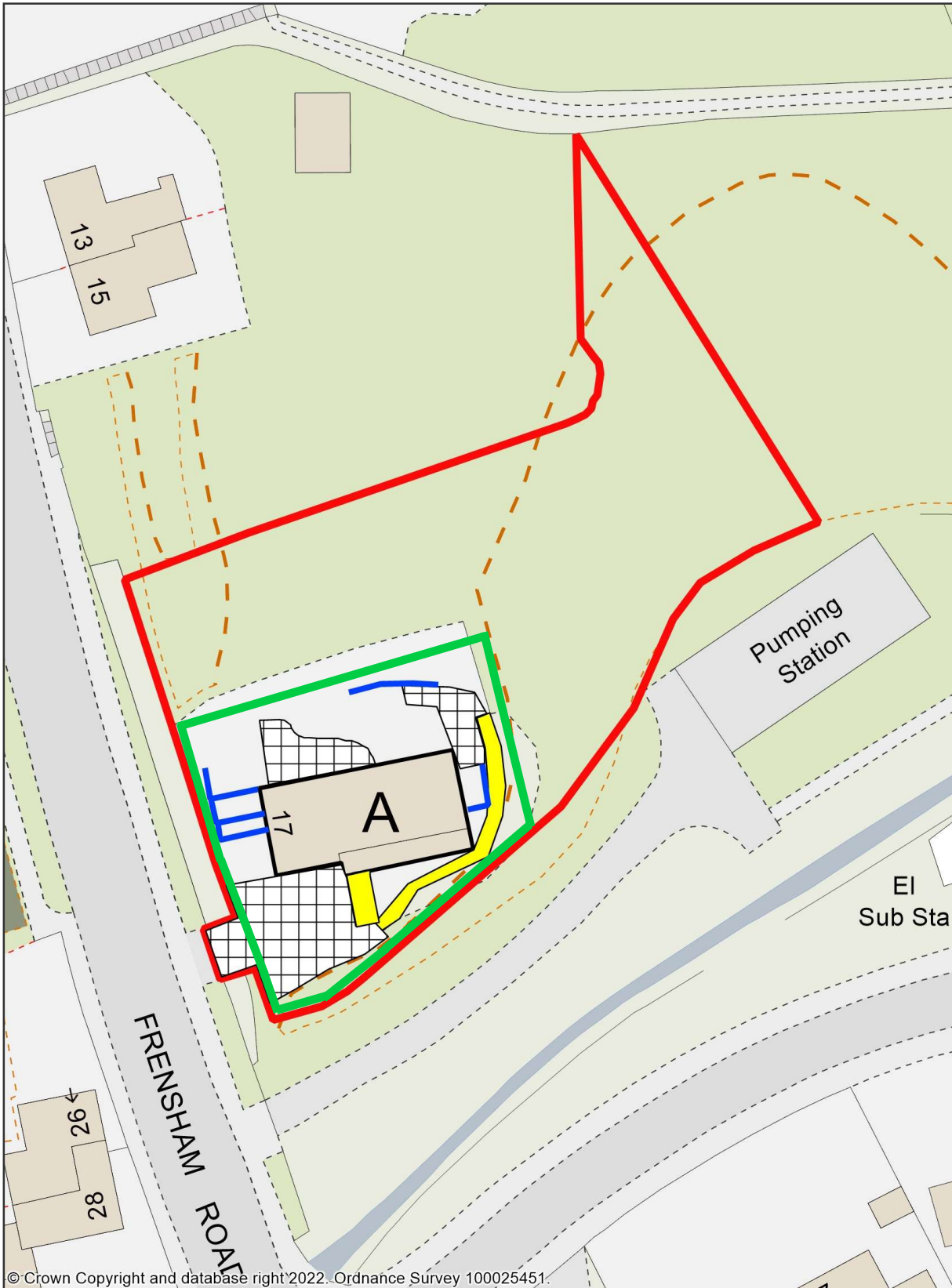
A copy of sections 171A, 171B and 172 to 177 of the TCPA 1990 is attached for your information.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on the date specified in paragraph 7 of the notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period specified in paragraph 6 of the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.

RECIPIENTS OF THE ENFORCEMENT NOTICE

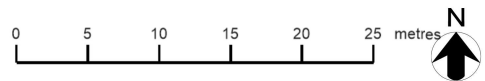
1. Peter Frederick Strange, 14 The Chine, Wrecclesham, Farnham GU10 4NN
2. Angela Julie Strange, 14 The Chine, Wrecclesham, Farnham GU10 4NN
3. Peter Strange, 19 Standfield, Abbots Langley WD5 0BB
4. Mark Placzek, 17 Frensham Road, Lower Bourne, Farnham GU9 8HF
5. Zelda Placzek, 17 Frensham Road, Lower Bourne, Farnham GU9 8HF
6. The Owner, Land known as 17 Frensham Road, Lower Bourne, Farnham GU9 8HF
7. The Occupier, Land known as 17 Frensham Road, Lower Bourne, Farnham GU9 8HF
8. TEMPLIAS LIMITED Level 6, 10 A Prospect Hill, Douglas, Isle of Man
9. TEMPLIAS LIMITED, Hawkeye House, Quarrywood Road, Marlow SL7 1RE



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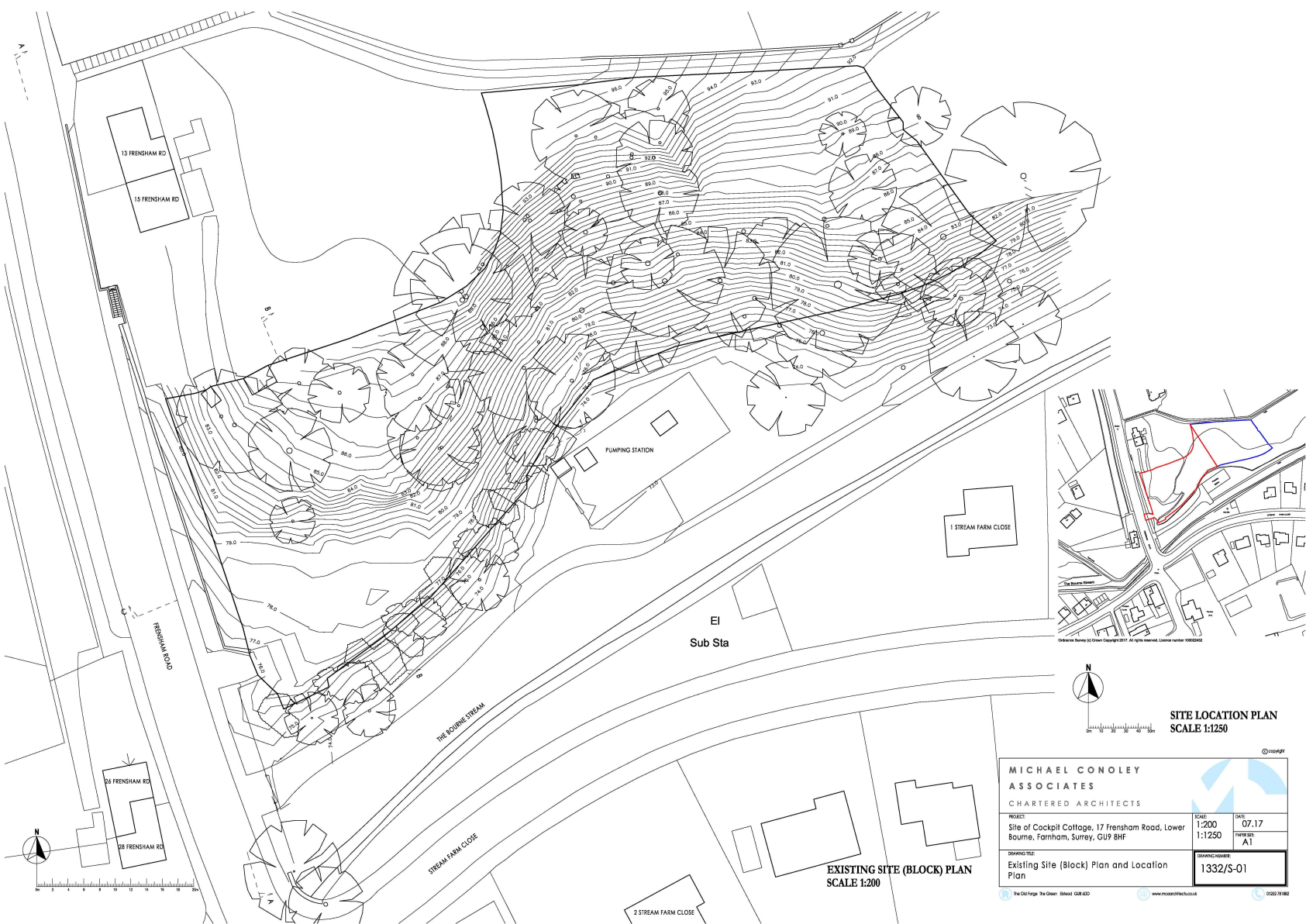


Waverley Borough Council
 The Bursys, Godalming
 Surrey, GU7 1HR
 Telephone: 01483 523333
 Fax No: 01483 426337

Land Known as 17 Frensham Road,
 Lower Bourne, Farnham GU9 8HF

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EXISTING SITE (BLOCK) PLAN
SCALE 1:200

SITE LOCATION PLAN
SCALE 1:1250

MICHAEL CONLEY ASSOCIATES
CHARTERED ARCHITECTS

PROJECT: Site of Cockpit Cottage, 17 Frensham Road, Lower Bourne, Farnham, Surrey, GU9 8HF	SCALE: 1:200 1:1250	DATE: 07.17 PAPER SIZE: A1
DRAWING TITLE: Existing Site (Block) Plan and Location Plan	DRAWING NUMBER: 1332/S-01	

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