

# SMITHBROOK KILNS

85 The Estate Office, Cranleigh, Surrey GU6 8JJ

Tel: 01483 276455 Fax: 01483 275426

[www.smithbrookkilns.co.uk](http://www.smithbrookkilns.co.uk)

Kathy Victor  
Parish Clerk  
Bramley Parish Council  
Bramley Village Hall, Hall Road  
Bramley  
GUILDFORD  
GU5 0AX

4<sup>th</sup> August 2021

Dear Madam,

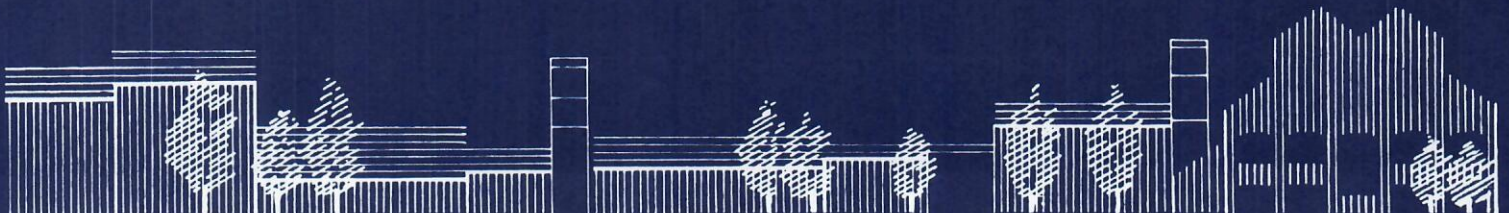
Re Smithbrook Kilns

Attached are copies of the documents which we have forwarded to Mr John Slater, the Examiner of your Neighbourhood Plan and to Waverley Borough Council.

Yours sincerely



A.M. Saunders



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John Slater BA DMS MRTPI  
John Slater Planning  
The Oaks  
Buckerell  
Nr Honiton  
Devon  
EX14 3ER

4<sup>th</sup> August 2021

Dear Mr Slater,

Re Smithbrook Kilns, Cranleigh, Surrey

We received a request from Waverley Borough Council which, we understand, was made at your suggestion.

We thank you for providing us with the opportunity to set out our case that all of the land at Smithbrook Kilns, excepting only the land which is only to be used for agricultural or recreational purposes is previously developed land.

Attached is our response together with copies of the S(52) Agreement and Planning Permission WA83/0332.

Yours Sincerely



A.M. Saunders

CC Waverley Borough Council  
CC Bramley Parish Council





**Smithbrook Kilns Response to the Initial Comments of the Inspector appointed to examine Bramley Council's proposed Neighbourhood Plan which related to Smithbrook Kilns**

**Introduction**

We received an email dated 26<sup>th</sup> July 2021 from Waverley Borough Council's Department which deals with its Planning Policies, which stated the following:

*"Dear Sir/Madam,*

***Bramley Neighbourhood Plan 2017-2032 – Further Comments of the Independent Examiner.***

*As you have been consulted by Bramley Parish Council on previous versions of the Bramley Neighbourhood Plan, we have been asked by the Examiner of the Bramley Neighbourhood Plan to contact you. The Examiner has decided to run a consultation following the changes published last week to the National Planning Policy Framework (NPPF)."*

The Independent Examiner is Mr JOHN SLATER BA(Hons), DMS, MRTPI and his "Initial Comments" were dated 15h June 2021. The comments relating to Smithbrook Kilns were:

***"Policy BNP- S1: Site 791 – Smithbrook Kilns***

*14. Can the Borough Council provide me with a copy of the dismissed planning appeal decision?*

*15. It seems that the plan is suggesting that it is accepting the landowner's assertions that the land surrounding Smithbrook Kilns should be treated as previously developed land. If I am to take a view on the matter, I need to understand on what basis the argument, that it is a brownfield site, is based. I do not know whether the legal advice which leads them to that conclusion is in the public domain, but it may help me if I was advised on the basis that they believe it is previously developed land. Perhaps the Parish Council could seek from the landowning Trust the basis for their claim to be a brownfield site.*

*16. Even if I were to conclude that it was a brownfield site, how would the development meet the criteria in para 145 g) that the development should not have a greater impact on the openness of the Green Belt at the site. From my perspective the site is entirely open apart from the temporary fencing around the site.*

*17. The plan is not actually making this site an allocation, so I am assuming that the purpose is to express support that it be supported under the terms of Policy BNP – G2. Does the Parish Council have a view that if I am to be satisfied that it is a brownfield site, the site should be better supported in the justification under the Policy BNP – G2."*

## **Response**

### **Documentary Evidence**

- (a) The S(52) Agreement dated 21<sup>st</sup> September 1983. The parties to which were Mrs Jane Saunders, Mrs Christine Mottram and Mr Michael Fry (the freeholders) and Waverley District Council (as it then was).
- (b) Planning permission WA83/0332.
- (c) Drawing Ref. 135/13b, which was attached to and formed part of the S(53) Agreement.
- (d) Waverley Borough 2002 Replacement Local Plan – Inspectors Report.

### **History**

#### **S(52) Agreement and Planning Permission WA83/0332**

We purchased the site in 1976.

In 1983 Waverley District Council (WBC) invited us to agree the terms of a conditional S(52) Agreement which would apply to the entire site, and also to submit a planning application for the part of the site which it had agreed could continue to be used for general industrial purposes. The granting of the planning permission brought the S(52) Agreement into force.

In the S(52) Agreement the entire site is defined as “the main site” and is outlined in green. The part of the main site which was to be permitted to be used for general industrial purposes is defined in paragraph 5(4):

*“4. This permission shall relate only to the land shown edged red on the application plan”*

The planning permission is WA83/0332. The application plan is drawing 135/13b. The land edged red comprises the entirety of the “main site” excepting only the part outlined in yellow in the S(52) Agreement. The latter is the restored pit from which clay for brickmaking was excavated and into which waste was deposited then, subsequently, removed by Surrey County Council.

The application plan complied with clause 5(5) in the S(52) Agreement:

*“5. Provision shall be made within the area edged red on the application plan for not less than 75 car parking places and 2 lorry spaces, such provision to be made within 6 months of the date of this permission to the satisfaction of the Local Planning Authority in writing, and thereafter retained permanently.”*

Clause 3(g) of the S(52) Agreement stated:



*"To comply with the conditions attached to planning permission WA83/0332 and more particularly specified in the Second Schedule hereto provided that in the event of the said conditions or any of them being amended or varied by the subsequent grant of Planning Permission the said conditions as so amended or varied shall for the purpose of this Agreement be deemed to have been imposed on the grant of the said Planning Permission."*

The S(52) Agreement and planning permission WA83/0332 together with the application drawing 135/13b confirm that planning permission was granted in 1983 for the entirety of the site outlined in red to continue to be used for general industrial and other commercial uses. The car parking shown in drawing 135/13b was included with the existing uses which were permitted to continue. We were permitted to choose where to provide the additional spaces which were required.

Planning Permission WA83/0332 was fully implemented.

### **WBC's Replacement Local Plan**

The issue of whether the entire area outlined in red is previously developed land (pdl) was considered by the Inspector who examined Waverley Borough Council's 2002 Replacement Local Plan. In his Report, the Inspector included the following:

*"Industry & Commerce, Chapter Seven – Paragraph 7.12 and Policy IC1, General Considerations*

*7.10 As to brownfield land, this policy is governed in its application by other Plan policies, Government Guidance and Keynote policies. The importance attached by the Government to the re-use of previously developed land is well-known and a fundamental part of the planning system. It is unnecessary to refer to such a strategy on each and every occasion that it may be relevant to a particular policy....."*

*Industry & Commerce, Chapter Seven – Paragraph 7.21, Employment Development Sites, Smithbrook Kilns, Inspectors Conclusions*

*7.30 The point made by the objectors in relation to the distribution of the employment development sites stems from their availability and the need to prioritise the development of land, which has been previously developed. At Cranleigh, the Smithbrook Kilns site should be developed and taken up before any further sites are considered. This is the correct 'brownfield' approach."*

In pages 216/217 of his report, the Inspector considered planning permission WA95/0989 which had been granted in 1997 but never implemented. It granted planning permission for a further 1675sqm of industrial development on the part of the site now being considered by Mr John Slater. The Inspector confirmed that his comments at 7.30 in his report related to that part of the site which the current Examiner, Mr John Slater, is now considering.



In 1997 WBC held the same view as currently - that only land occupied by a permanent structure is pdl. The Inspector held the same view as we do now  
WBC's view implicitly denies that all of the land included in the application drawing for planning permission WA83/0332 is "the curtilage of the developed land".

### **The Definition of pdl included in the Current NPPF**

The current version of the NPPF defines previously developed land:

*"Land which is or was occupied by a permanent structure, including the curtilage of the developed land .."*

### **The Application of the Current NPPF Definition to Smithbrook Kilns**

The approach to interpretation of the NPPF was set out by the Court of Appeal in "*Dartford*" – it should be the ordinary English meaning.

Ordinarily the curtilage is taken to refer to a piece of ground attached to a building as an integral part of the same and serving the purpose(s) of the building in some necessary or reasonably useful way.

The ordinary English meaning of "integral" is, *"necessary to the completeness of the whole: consisting or composed of parts that together constitute a whole. entire; complete"*.

The part of the application site which is not occupied by buildings is, or has in the past, been used for car and lorry parking. That use is integral to the permanent structures because without them the buildings could not be used for their permitted purposes. That is confirmed by clause 5(5) of the S(52) Agreement (see above). It is also confirmed by the condition which was attached to planning permission WA83/0332. Planning permission would not have been granted without that condition.

It is very important to note that neither clause 5(5), nor the condition attached to planning permission WA83/0332, specified a particular additional location(s) for the parking provision. We were, and are entitled to relocate as necessary without seeking further planning permission. In fact, some have been moved a number of times, including when it was necessary to accommodate first the depositing of the waste and, subsequently, when the waste was removed. WBC did not object on any occasion. The original locations are shown in application plan drawing 135/13b.

Part of the area under consideration was used to construct, extend and widen the internal access road to include additional car parking. It is also used for storing our own and our tenant's materials. It is also used as the location of the waste disposal facilities for our tenants. Those uses are ancillary to the permitted use for general industrial and other purposes.

### **Conclusion**

All of the land outlined in red in the S(52) Agreement is pdl because all of that land is the curtilage of the developed land.

CR3-4

0120

9th Sep.

9

THIS AGREEMENT is made the 21st day of September

One thousand nine hundred and eighty-three BETWEEN

MICHAEL STANLEY FRY of 63 Kendal Steps, St. George's Fields,  
Bayswater, London, W.1. SYLVIA JANE SAUNDERS of Longhurst Cottage,  
Smithwood Common, Cranleigh in the County of Surrey and CHRISTINE  
ANNE MOTTRAM of Enton Leys, Enton, Nr. Godalming in the County of  
Surrey (hereinafter called "the Owners") of the one part and  
WAVERLEY DISTRICT COUNCIL of the Burys, Godalming in the County of  
Surrey (hereinafter called "the Council") of the other part

WHEREAS:

- (1) The Owners are the registered proprietors of the freehold property described in the First Schedule hereto (hereinafter called "the Main Site") which for the purposes of identification only is edged green on the Plan (Drawing No: 135/WD/13B) annexed hereto
- (2) The Council is the Local Planning Authority for the purposes of the Town and Country Planning Act 1971 (hereinafter called "the Act") for the area within which the Site is situated
- (3) The Owners are in the process of carrying out and completing certain development (hereinafter called "the Development") on part of the Main Site which part (hereinafter called "the Application Site") is edged red on the Plan
- (4) A Planning Application for the Development has been submitted by the Owners to the Council dated 24th February 1983 (No: WA83/332)



(5) The Council is desirous of restricting and controlling the future use of the Main Site in the interests of the proper planning of the area

N O W   T H I S   D E E D   W I T N E S S E T H as follows:-

1. THIS Agreement is conditional upon the granting of planning permission for the Development subject to the conditions more particularly specified in the Second Schedule hereto and is made in pursuance of Section 52 of the Act and pursuant to Section 33 of the Local Government (Miscellaneous Provisions) Act 1982
2. THE expressions "The Owners" and "The Council" shall be deemed to include respectively their successors in title or their successors as Local Planning Authority as the case may be
3. THE Owners and the Council HEREBY UNDERTAKE AND AGREE as follows:-
  - (a) No buildings or structures other than those comprised in the Development shall be built or erected on the Main Site without planning permission having first been granted by the Council or the Secretary of State on Appeal
  - (b) That part of the Main Site being the Application Site may be used for general industrial purposes subject to any required planning permission having been first obtained

- (c) That part of the Main Site outside the Application Site which part is edged yellow on the said Plan shall be used only for agricultural or recreational purposes appropriate to the Green Belt subject to any required planning permission having first been obtained
- (d) No redevelopment (other than internal alterations) involving the total demolition or replacement of the buildings referred to in Clause 3 hereof shall take place before the expiration of 10 years from the date upon which this Agreement becomes operative provided that the Owners shall not by virtue of this Sub-Clause be prevented from rebuilding or reinstating any of the said buildings which shall at any time be destroyed or damaged by fire flood accident or other insurable cause
- (e) No trees or shrubs which at the date this Agreement becomes operative are growing on that part of the Main Site outside the Application Site shall be removed without the consent in writing of the Local Planning Authority unless any such tree or shrub is dead dying or dangerous in which event notice in writing shall be given to the Local Planning Authority not later than 7 working days after such removal
- (f) All existing use rights subsisting on 1st March 1983 in respect of the Main Site (or any buildings thereon) shall as from the date this Agreement becomes operative cease



- (g) To comply with the conditions attached to Planning Permission WA83/332 and more particularly specified in the Second Schedule hereto provided that in the event of the said conditions or any of them being amended or varied by the subsequent grant of Planning Permission the said conditions as so amended or varied shall for the purpose of this Agreement be deemed to have been imposed on the grant of the said Planning Permission

4. THE Council hereby acknowledge that the buildings included in the Planning Application No: WA83/332 aforesaid and edged blue on the said Plan for which formal planning permission has been granted shall not be the subject of any enforcement action taken by the Council whether in respect of their design their external appearance or their use for General Industrial purposes PROVIDED that (without prejudice to the provisions of the proviso to Clause <sup>3</sup>2(g) hereof) the terms and conditions of the Planning Permission (No: WA83/332) are complied with

5. THE Agreement shall come into operation on the same day upon which the Planning Application (No. WA83/332) is determined by the grant of Planning Permission in respect of the Development subject only to the conditions more particularly specified in the Second Schedule hereto

I N   W I T N E S S   whereof the Owners hereto have  
hereunto set their hands and seals and the Council have affixed their  
Common Seal the day and year first before written

THE FIRST SCHEDULE

ALL THAT land edged green on the Plan (Drawing No: 135/WD/13B)  
attached hereto known as Smithbrook Brickworks Horsham Road Cranleigh  
in the County of Surrey of which the Owners are the registered proprietors  
with absolute title at H.M. Land Registry under Title No: SY 407918

THE SECOND SCHEDULE

1. The general industrial development hereby permitted shall not be occupied for a period of 10 years beginning with the date of the permission except by existing industrial businesses, firms or persons already established in the administrative districts of Waverley, Guildford, Mole Valley, Woking and Horsham, or the introduction of small new firms not already established elsewhere
2. The office development hereby permitted shall not be occupied for a period of 10 years beginning with the date of this permission except by an existing office business, firm or person already established in the administrative districts of Waverley, Guildford, Mole Valley, Woking or Horsham or the introduction of small new firms not already established elsewhere.
3. For a period of 10 years beginning with the date of this permission the proposed industrial units shall not be combined together to form any unit larger than 250 sq. metres to serve any one business,



firm or person or subsidiary thereof without the prior approval in writing of the Local Planning Authority.

4. This permission shall relate only to the land shown edged red on the application plan.
5. Provision shall be made within the area edged red on the application plan for not less than 75 car parking spaces and 2 lorry spaces, such provision to be made within 6 months of the date of this permission to the satisfaction of the Local Planning Authority in writing, and thereafter retained permanently.
6. The landscaping scheme shown on drawing no. 135/WD 16 shall be implemented within 1 year from the date of this permission and shall be maintained to the satisfaction of the Local Planning Authority for a period of 5 years from the date of this permission, such maintenance to include the replacement of any trees or shrubs that die.
7. Details of all external facing and roofing materials (together with details of all surface finishes of all external hard surfaced areas) not in situ at the date of this permission shall be submitted to and approved by the Local Planning Authority before such materials are used.
8. No advertisement of any nature shall be displayed within the premises so as to be visible from outside the premises without the prior consent of the Local Planning Authority.

9. No external street lighting or flood lighting shall be installed without the prior written consent of the Local Planning Authority.
10. The present access road junction shall be retained to the reasonable satisfaction of the Local Planning Authority and within 3 months of the date of this permission the existing hedge, which is also to be retained, shall be trimmed to ensure that the existing sight lines of 3 m x 75 m remain clear again to the reasonable satisfaction of the Local Planning Authority, and the area in advance of the sight lines shall be kept clear of all obstructions.
11. Before the proposed industrial units fronting the A281 are occupied the proposed access road between the building and the A281 shall be sited so that its access to the existing estate road is no closer to the eastern edge of the A281 than 13 m and, once provided, shall be retained to the reasonable satisfaction of the Local Planning Authority.
12. Within three months of the date of this permission the existing direct gated access to the A281 shall be permanently closed to the reasonable satisfaction of the Local Planning Authority.
13. Notwithstanding the provisions of Article 3 and Class VIII of the First Schedule to the Town and Country Planning General Development Orders 1977-81, no further extension to the development as hereby permitted shall be carried out without the prior permission of the Local Planning Authority.



14. No variation in the design, external appearance or layout of the development as shown on the approved deposited plan shall be made without the approval in writing of the Local Planning Authority.

SIGNED SEALED and DELIVERED

by MICHAEL STANLEY FRY in

the presence of : -

A.M. SAUNDERS

LONGHURST COTTAGE

SMITHWOOD COMMON, CRANLEIGH, SURREY

SIGNED SEALED and DELIVERED

by SYLVIA JANE SAUNDERS in

the presence of : -

A.R. MOTTRAM

ENTON LEYS, ENTON

NR. GODALMING, SURREY

SIGNED SEALED and DELIVERED

by CHRISTINE ANNE MOTTRAM in

the presence of : -

A.M. SAUNDERS

AS ABOVE

THE COMMON SEAL of the

WAVERLEY DISTRICT COUNCIL

was hereunto affixed in

the presence of : -

(Sgd) MICHAEL P. FRY

(L.S.)

(Sgd) JANE SAUNDERS

(LS)

(Sgd) C.A. MOTTRAM

(LS)

(LS)

(Sgd) M.M. GORDON

Chairman/Member

(Sgd) M.F. CHASTELL

District/Deputy Secretary

DATED

21st SEPTEMBER

1983

MICHAEL STANLEY FRY and OTHERS

- and -

WAVERLEY DISTRICT COUNCIL

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COPY

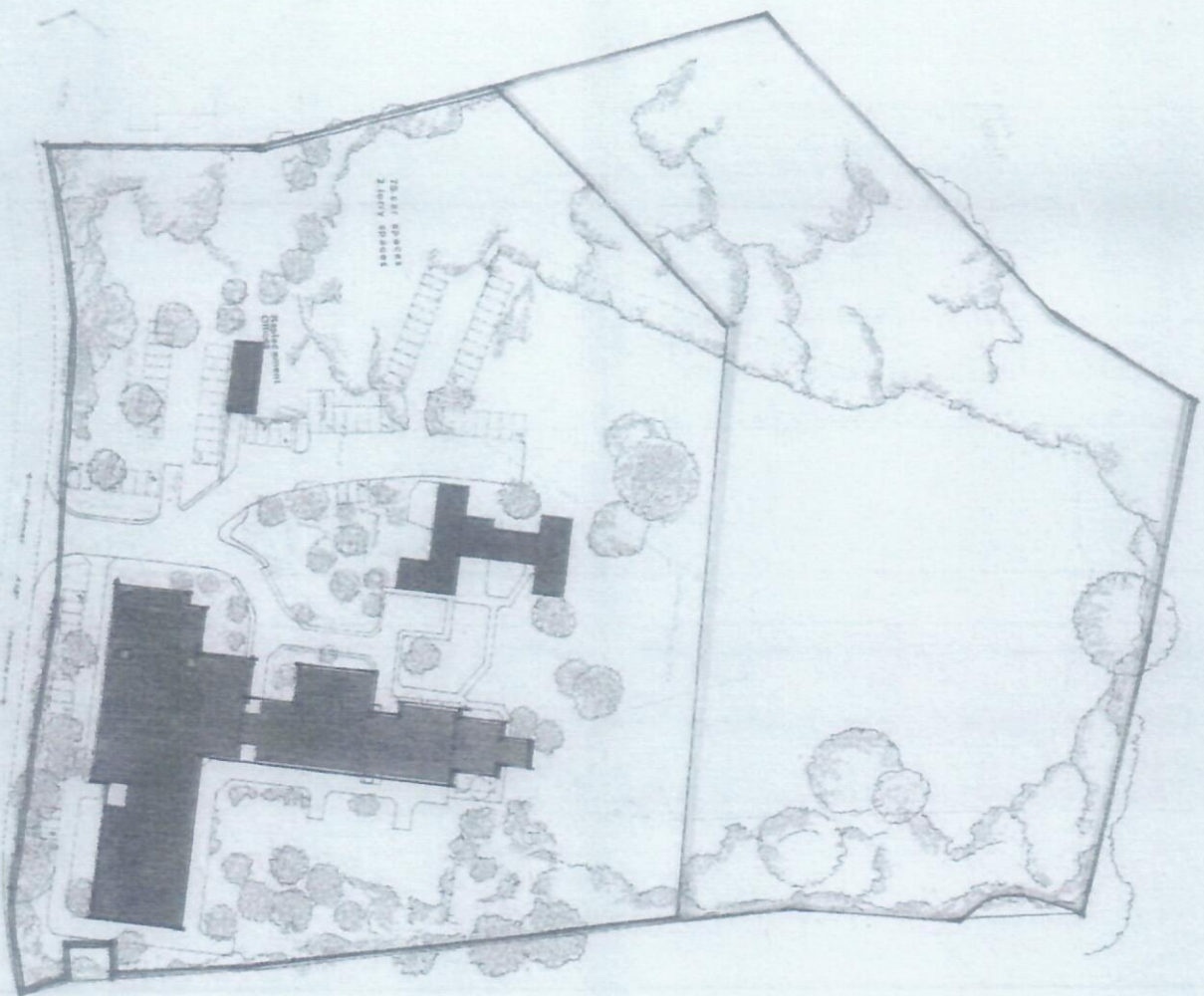
AGREEMENT RELATING TO  
SMITHBROOK BRICKWORKS  
CRANLEIGH  
SURREY made pursuant to  
Section 52, Town & Country Planning Act 1971

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NORTON, ROSE, BOTTERELL & ROCHE  
KEMPSON HOUSE,  
CAMOMILE STREET,  
LONDON, EC3A 7AN

TEL: 01 283 2434  
TELEX: 883652  
REF: ANM/15/B131821





All dimensions are to be checked on site.  
Do not scale this drawing.

- A. office
- B. car park
- C. car park
- D. ramp

Approved office - not to be used for parking  
date 28/10/10

SMITHSONIAN ARCHITECTS

fig. no. 13/10/09 date 28/10/10

scale 1/1000

dim.



10-13 Cowcross Street  
London EC4A 3DF  
020 7463 1111







## Waverley District Council

Council Offices  
The Burys, Godalming, Surrey GU7 1HR  
Telephone: Godalming 4104

Ref. TP 3/No WA83/0332

### TOWN AND COUNTRY PLANNING ACT 1971

TO Smithbrook Kilns  
C/O Design 5  
15 Theed Street  
London  
SE1

The Waverley District Council acting as Local Planning Authority under the provisions of Part III of the Town and Country Planning Act, 1971, **DO HEREBY GRANT** planning permission for the development specified in the form of application for such permission, deposited by you with the Council on the 25th February 1983 and described in the First Schedule hereto, subject to the provisions of Section 41 of the Town and Country Planning Act 1971, and the conditions specified in the Second Schedule hereto. **NOTE:** The effect of Section 41 of the Town and Country Planning Act 1971, is that the development for which permission is hereby granted shall be begun not later than the expiration of five years beginning with the date of this permission.

**FIRST SCHEDULE** The continued use of the existing buildings of site coverage of 1840 sq metres (19,800 sq ft) for general industrial purposes to provide for approximately 55 industrial units totalling 3216 sq metres (34,600 sq ft); the erection of a replacement office building of approximately 90 sq metres (970 sq ft) for office purposes; and the erection of a building of 306 sq metres (3300 sq ft) comprising office, creche, show room and cafeteria; the retention of the existing ramp and car parking area together with the construction and retention of the access, service way and ancillary parking areas, all following the demolition of existing buildings of 55 sq metres (600 sq ft) and 60 sq metres (650 sq ft) at Smithbrook Brickworks, Horsham Road, Cranleigh as amplified by letters dated 25th and 28th February and 3rd March 1983 and accompanying plans  
BRAMLEY (E: 502678 N: 139068)

### SECOND SCHEDULE

1. The general industrial development hereby permitted shall not be occupied for a period of 10 years beginning with the date of the permission except by existing industrial businesses, firms or persons already established in the administrative districts of Waverley, Guildford, Mole Valley, Woking and Horsham, or the introduction of small new firms not already established elsewhere.



# Waverley District Council

WA83/0332(s)

Cont'd

2. The office development hereby permitted shall not be occupied for a period of 10 years beginning with the date of this permission except by an existing office business, firm or person already established in the administrative districts of Waverley, Guildford, Mole Valley, Woking or Horsham or the introduction of small new firms not already established elsewhere.
3. For a period of 10 years beginning with the date of this permission the proposed industrial units shall not be combined together to form any unit larger than 250 sq metres to serve any one business, firm or person or subsidiary thereof without the prior approval in writing of the Local Planning Authority.
4. This permission shall relate only to the land shown edged red on the application plan.
5. Provision shall be made within the area edged red on the application plan for not less than 75 car parking spaces and 2 lorry spaces, such provision to be made within 6 months of the date of this permission to the satisfaction of the Local Planning Authority in writing, and thereafter retained permanently.
6. The landscaping scheme shown on drawing no. 135/WD 16 shall be implemented within 1 year from the date of this permission and shall be maintained to the satisfaction of the Local Planning Authority for a period of 5 years from the date of this permission, such maintenance to include the replacement of any trees or shrubs that die.
7. Details of all external facing and roofing materials (together with details of all surface finishes of all external hard surfaced areas) not in situ at the date of this permission shall be submitted to and approved by the Local Planning Authority before such materials are used.
8. No advertisement of any nature shall be displayed within the premises so as to be visible from outside the premises without the prior consent of the Local Planning Authority.
9. No external street lighting or flood lighting shall be installed without the prior written consent of the Local Planning Authority.
10. The present access road junction shall be retained to the reasonable satisfaction of the Local Planning Authority and within 3 months of the date of this permission the existing hedge, which is also to be retained, shall be trimmed to ensure that the existing sight lines of 3 m x 75 m remain clear again to the reasonable satisfaction of the Local Planning Authority, and the area in advance of the sight lines shall be kept clear of all obstructions.
11. Before the proposed industrial units fronting the A281 are occupied the proposed access road between the building and the A281 shall be sited so that its access to the existing estate road is no closer to the eastern edge of the A281 than 13 m and, once provided, shall be retained to the reasonable satisfaction of the Local Planning Authority.



# Waverley District Council



WAB3/0332(s)

Cont'd

12. Within three months of the date of this permission the existing direct gated access to the A281 shall be permanently closed to the reasonable satisfaction of the Local Planning Authority.
13. Notwithstanding the provisions of Article 3 and Class VIII of the First Schedule to the Town and Country Planning General Development Orders 1977-81, no further extension to the development as hereby permitted shall be carried out without the prior permission of the Local Planning Authority.
14. No variation in the design, external appearance or layout of the development as shown on the approved deposited plan shall be made without the approval in writing of the Local Planning Authority.

## REASONS FOR THE IMPOSITION OF CONDITIONS

- 1-3. Having regard for the location of the site within the Metropolitan Green Belt and an area of high scenic value as defined in the approved Surrey Structure Plan (1980) and the Waverley District Local Plan Deposit Draft (1982) and to comply with the employment development policies contained in those plans.
4. To ensure proper planning control in an area the subject of Metropolitan Green Belt Policy.
5. To make satisfactory provision for the parking of vehicles clear of the road so as not to impede the free flow of traffic.
- 6-9. In the interest of visual amenity having regard for the sites rural location in an area of scenic value.
- 10-12. In order to ensure that the development should not prejudice the free flow of traffic and condition of safety on the highway nor cause inconvenience to other highway users.
- 13-14. To ensure proper planning control in an area the subject of Metropolitan Green Belt policy.

## INFORMATIVE

- (i) In the event of the existing foul drainage arrangements being found to be inadequate to cope with the proposed development the applicants will need to consult further with the Thames Water Authority (Southern Division), at Reading.

Dated 21st September 1983

Chief Planning Officer

Any permission hereby granted relates only to that which may be necessary under the Town and Country Planning Act 1971. Consent under the Building Regulations also may be necessary.

(PLEASE SEE NOTES ATTACHED)

PL (15)W



**NOTES**

- (1) If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with section 36 of the Town and Country Planning Act 1971 within six months of receipt of this notice. (Appeals must be made on a form which is obtainable from the Department of the Environment, Tollgate House, Houlton Street, Bristol, BS2 9DJ). The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction given by him.
- (2) If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted he may serve on the Council of the district in which the land is situated, a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part IX of the Town and Country Planning Act 1971.
- (3) In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in section 169 of the Town and Country Planning Act 1971.
- (4) Attention is drawn to section 27 of the Surrey County Council Act 1971 which requires that when a building is erected or extended proper provision shall be made for the fire brigade to have means of access to the building and any neighbouring building.

PL 15  
PL 16  
PL 17  
PL 18