

MINUTES of the meeting of the **PLANNING AND REGULATORY COMMITTEE** held at 10.30 am on 29 June 2022 at Surrey County Council, Woodhatch Place, 11 Cockshot Hill, Reigate, Surrey, RH2 8EF.

These minutes are subject to confirmation by the Committee at its next meeting.

Members (present= *):

Ernest Mallett MBE*
Jeffrey Gray*
Jonathan Hulley (Vice-Chairman) *
Victor Lewanski*
Catherine Powell*
Richard Tear*
Jeremy Webster*
Mark Sugden (as substitute) *
Tim Hall
David Lewis (attended virtually)
Scott Lewis
Penny Rivers

48/22 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS [Item 1]

Apologies were received from David Lewis, Tim Hall and Scott Lewis. Mark Sugden acted as a substitute for David Lewis. Having appointed a substitute David Lewis attended Virtually Jonathan Hulley, Vice-Chairman, acted as Chairman of the meeting.

49/22 MINUTES OF THE LAST MEETING [Item 2]

Members agreed to amend the draft minutes of the previous meeting to include that Sonia Sharp, Senior Highways and Planning Solicitor, was in attendance.

The Minutes were APPROVED as an accurate record of the previous meeting.

50/22 PETITIONS [Item 3]

There were none.

51/22 PUBLIC QUESTION TIME [Item 4]

There were none.

52/22 MEMBERS' QUESTION TIME [Item 5]

There were none.

53/22 DECLARATIONS OF INTERESTS [Item 6]

There were none.

54/22 APPLICATION FOR VILLAGE GREEN STATUS, LAND AT ELMBRIDGE RECREATION GROUND, KINGFIELD [Item 7]

Officers:

Catherine Valiant (Countryside Access Officer)

Adam Malins (Solicitor)

Judith Shephard (Senior Lawyer)

Speakers:

The Local Member, Will Forster, made the following comments:

1. That he was in support of the application.
2. That the application had been supported by around 50 residents that had used the land for recreational purposes. This appeared to meet the requirement of Section 15 of the Commons Act.
3. Noted that Woking Borough Council said they had held the land by them under Section 12 of the Housing act and that it was available for people to use 'by right', but not, 'as of right'. The Member stated that local residents were not aware of this as signage was not present on site.
4. That residents' believed the land was available to use 'as of right' and are therefore keen for the land to receive village green status.

Key points raised during the discussion:

1. Officers introduced the report and provided a brief summary.
2. Members asked whether there was any legal responsibility on Woking Borough Council to advise the public that they could use the land. The legal officer at the meeting confirmed that the local authority was not required to inform the public of this where this right was derived by statute.
3. Members asked for confirmation on whether signage on the land's permitted use was present on site. Officers stated that they believed there was no signage present.
4. The committee noted that the grass was maintained on the land and that football goals were present on site.

Resolved:

The Committee voted to reject the application with 6 votes for the recommendation, 0 votes against the recommendation, and 2 abstentions

55/22 DECISION ON PLANNING APPEAL REF: APP/B3600/W/21/3268579 AND ON COSTS APPLICATION - LOXLEY WELL SITE - LAND SOUTH OF DUNSFOLD ROAD AND EAST OF HIGH LOXLEY ROAD, DUNSFOLD, SURREY, GU8 4BW.

[Item 8]

Officers:

Caroline Smith (Planning Group Manager)
David Maxwell (Senior Planning Policy Officer)
Stephen Jenkins (Planning Development Manager) (online)
Sonia Sharp (Senior Highways and Planning Solicitor)
Nancy El-Shatoury (Principal Highways and Planning Solicitor) (online)

Key points raised during the discussion:

1. Officers introduced the report and noted that it provided details of the outcome of a recovered appeal against that decision and an associated application for partial costs.
2. A Member stated that Members should also consider the national, business and economical need for applications when making a decision. The Member further stated that he felt some Members had previously been emotional in their decision making.
3. A Member of the committee stated that he could decide for himself on how much weight to give to different viewpoints on an application.
4. The Chairman asked for clarification on the process for challenging the decision outlined in the report. Officers explained that they could seek to apply for leave for a judicial review if it was felt that there were grounds to do so. However, it was officers opinion that there were no obvious points within the decision to be challenged. The officer further stated that she believed the weight given to the matters considered within the decision were to be decided by the decision maker and therefore it would be difficult to sustain the challenge.
5. In regard to lessons-learned, a Member asked for officers opinion on how the committee could act differently when considering reports going forward. Officers said that Members needed to come to their own view when considering what matters to give weight to. There were no obvious learning points but, if there were, then officers would consider them further.
6. Members thanked officers for the report.

Resolved:

The Committee noted the report.

56/22 DATE OF NEXT MEETING [Item 9]

The date of the next meeting was noted.

Meeting closed at 10.55 am

Chairman