

**PLANNING AND REGULATORY COMMITTEE  
NOTICE OF MEETING**

**Date:** Wednesday, 29 June 2022  
**Time:** 10.30 am  
**Place:** Surrey County Council, Woodhatch Place, 11 Cockshot Hill, Reigate, Surrey, RH2 8EF

**Contact:** Joss Butler

**Email:** [joss.butler@surreycc.gov.uk](mailto:joss.butler@surreycc.gov.uk)

**APPOINTED MEMBERS [11]**

Tim Hall (Chairman)	Leatherhead and Fetcham East;
Ernest Mallett MBE	West Molesey;
Penny Rivers	Godalming North;
Jeffrey Gray	Caterham Valley;
Jonathan Hulley (Vice-Chairman)	Foxhills, Thorpe & Virginia Water;
Victor Lewanski	Reigate;
David Lewis	Cobham;
Scott Lewis	Woodham and New Haw;
Catherine Powell	Farnham North;
Richard Tear	Bagshot, Windlesham and Chobham;
Jeremy Webster	Caterham Hill;

**EX OFFICIO MEMBERS (NON-VOTING) [4]**

Tim Oliver	Leader of the Council	Weybridge;
Becky Rush	Deputy Leader of the Council	Warlingham;
Helyn Clack	Chair of the Council	Dorking Rural;
Saj Hussain	Vice-Chair of the Council	Knaphill and Goldsworth West;

**APPOINTED SUBSTITUTES [12]**

Stephen Cooksey	Dorking South and the Holmwoods;
Nick Darby	The Dittons;
Amanda Boote	The Byfleets;
Luke Bennett	Banstead, Woodmansterne & Chipstead;
David Harmer	Waverley Western Villages;
Trefor Hogg	Camberley East;
Riasat Khan	Woking North;
Carla Morson	Ash;
Mark Sugden	Hinchley Wood, Claygate and Oxshott;
Buddhi Weerasinghe	Lower Sunbury and Halliford;
Fiona White	Guildford West;
Keith Witham	Worplesdon;

**Register of planning applications: <http://planning.surreycc.gov.uk/>**



## **AGENDA**

### **1 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

To receive any apologies for absence and notices of substitutions under Standing Order 41.

### **2 MINUTES OF THE LAST MEETING**

(Pages 1 - 4)

To confirm the minutes of the meeting held on 25 May 2022.

### **3 PETITIONS**

To receive any petitions from members of the public in accordance with Standing Order 84 (please see note 5 below).

### **4 PUBLIC QUESTION TIME**

To answer any questions received from local government electors within Surrey in accordance with Standing Order 85 (please see note 6 below).

### **5 MEMBERS' QUESTION TIME**

To answer any questions received from Members of the Council in accordance with Standing Order 68.

### **6 DECLARATIONS OF INTERESTS**

All Members present are required to declare, at this point in the meeting or as soon as possible thereafter

- (i) Any disclosable pecuniary interests and / or
- (ii) Other interests arising under the Code of Conduct in respect of any item(s) of business being considered at this meeting

#### **NOTES:**

- Members are reminded that they must not participate in any item where they have a disclosable pecuniary interest
- As well as an interest of the Member, this includes any interest, of which the Member is aware, that relates to the Member's spouse or civil partner (or any person with whom the Member is living as a spouse or civil partner)
- Members with a significant personal interest may participate in the discussion and vote on that matter unless that interest could be reasonably regarded as prejudicial.

### **7 APPLICATION FOR VILLAGE GREEN STATUS, LAND AT ELMBRIDGE RECREATION GROUND, KINGFIELD**

(Pages 5 - 74)

The committee is asked to consider whether to register the Land the subject of this Application as a Village Green.

**8 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.**

(Pages 75 -  
102)

On 27 November 2020, the Planning and Regulatory Committee refused planning application Ref. WA/2019/0796 for the construction, operation and decommissioning of a well site for the exploration and appraisal of hydrocarbon minerals from one exploratory borehole (Loxley-1) and one side-track borehole (Loxley - 1z) for a temporary period of three years involving the siting of plant and equipment, the construction of a new access track, a new highway junction with High Loxley Road, highway improvements at the junction of High Loxley Road and Dunsfold Road and the erection of a boundary fence and entrance gates with restoration to agriculture.

This report provides details of the outcome of a recovered appeal against that decision and an associated application for partial costs.

**9 DATE OF NEXT MEETING**

The next meeting of the Planning & Regulatory Committee will be on 27 July 2022.

## **PRIVATE TRAINING SESSION**

**10 MEMBER TRAINING - PLANNING FOR OIL AND GAS**

An introduction to planning for hydrocarbons in the County.

**Joanna Killian**  
**Chief Executive**  
21 June 2022

## MOBILE TECHNOLOGY AND FILMING – ACCEPTABLE USE

Those attending for the purpose of reporting on the meeting may use social media or mobile devices in silent mode to send electronic messages about the progress of the public parts of the meeting.

Anyone is permitted to film, record or take photographs at council meetings. Please liaise with the council officer listed in the agenda prior to the start of the meeting so that those attending the meeting can be made aware of any filming taking place.

Use of mobile devices, including for the purpose of recording or filming a meeting, is subject to no interruptions, distractions or interference being caused to the PA or Induction Loop systems, or any general disturbance to proceedings. The Chairman may ask for mobile devices to be switched off in these circumstances.

It is requested that if you are not using your mobile device for any of the activities outlined above, it be switched off or placed in silent mode during the meeting to prevent interruptions and interference with PA and Induction Loop systems.

*Thank you for your co-operation*

**Note:** *This meeting may be filmed for live or subsequent broadcast via the Council's internet site - at the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed. The images and sound recording may be used for training purposes within the Council.*

*Generally the public seating areas are not filmed. However by entering the meeting room and using the public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes.*

### NOTES:

1. Members are requested to let the Democratic Services Officer have the wording of any motions and amendments not later than one hour before the start of the meeting.
2. Substitutions must be notified to the Democratic Services Officer by the absent Member or group representative at least half an hour in advance of the meeting.
3. Planning officers will introduce their report and be able to provide information or advice to Members during the meeting. They can also be contacted before the meeting if you require information or advice on any matter. Members are strongly encouraged to contact the relevant case officer in advance of the meeting if you are looking to amend or add conditions or are likely to be proposing a reason for refusal. It is helpful if officers are aware of these matters in advance so that they can better advise Members both before and during the meeting.
4. Members of the public can speak at the Committee meeting on any planning application that is being reported to the Committee for decision, provided they have made written representations on the application at least 14 days in advance of the meeting, and provided they have registered their wish to do so with the Democratic Services Officer no later than midday on the working day before the meeting. The number of public speakers is restricted to five objectors and five supporters in respect of each application.
5. Petitions from members of the public may be presented to the Committee provided that they contain 100 or more signatures and relate to a matter within the Committee's terms of reference. The presentation of petitions on the following matters is not allowed: (a)

matters which are “confidential” or “exempt” under the Local Government Access to Information Act 1985; and (b) planning applications. Notice must be given in writing at least 14 days before the meeting. Please contact the Democratic Services Officer for further advice.

6. Notice of public questions must be given in writing at least 7 days before the meeting. Members of the public may ask one question relating to a matter within the Committee’s terms of reference. Questions on “confidential” or “exempt” matters and planning applications are not allowed. Questions should relate to general policy and not detail. Please contact the Democratic Services Officer for further advice.
7. On 10 December 2013, the Council agreed amendments to the Scheme of Delegation so that:
  - All details pursuant (applications relating to a previously granted permission) and non-material amendments (minor issues that do not change the principles of an existing permission) will be delegated to officers (irrespective of the number of objections).
  - Any full application with fewer than 5 objections, which is in accordance with the development plan and national policies will be delegated to officers.
  - Any full application with fewer than 5 objections that is not in accordance with the development plan (i.e. waste development in Green Belt) and national policies will be delegated to officers in liaison with either the Chairman or Vice Chairman of the Planning & Regulatory Committee.
  - Any application can come before committee if requested by the local member or a member of the Planning & Regulatory Committee.

The revised Scheme of Delegation came into effect as of the date of the Council decision.

## **TOWN AND COUNTRY PLANNING ACT 1990 – GUIDANCE ON THE DETERMINATION OF PLANNING APPLICATIONS**

This guidance forms part of and should be read in conjunction with the Planning Considerations section in the following committee reports.

Surrey County Council as County Planning Authority (also known as Mineral or Waste Planning Authority in relation to matters relating to mineral or waste development) is required under Section 70(2) of the Town and Country Planning Act 1990 (as amended) (1990 Act) when determining planning applications to “*have regard to (a) the provisions of the development plan, so far as material to the application, (b) any local finance considerations, so far as material to the application, and (c) any other material considerations*”. This section of the 1990 Act must be read together with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (2004 Act), which provides 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.*”

### **Development plan**

In Surrey the adopted development plan consists of the:

- Surrey Minerals Local Plan 2011 (comprised of the Core Strategy and Primary Aggregates Development Plan Documents (DPD))
- Surrey Waste Local Plan 2019-2033 adopted December 2020 (comprised of the Surrey Waste Local Plan Part 1 Policies and Surrey Waste Local Plan Part 2 Sites)
- Aggregates Recycling Joint DPD for the Minerals and Waste Plans 2013 (Aggregates Recycling DPD 2013)
- Any saved local plan policies and the adopted Local Development Documents (development plan documents and supplementary planning documents) prepared by the eleven Surrey district/borough councils in Surrey
- South East Plan 2009 Policy NRM6 Thames Basin Heaths Special Protection Area (apart from a policy relating to the former Upper Heyford Air Base in Oxfordshire the rest of the plan was revoked on 25 March 2013)
- Any neighbourhood plans (where they have been approved by the local community at referendum)

Set out in each report are the development plan documents and policies which provide the development plan framework relevant to the application under consideration.

### **Material considerations**

Material considerations will vary from planning application to planning application and can include: relevant European policy; the National Planning Policy Framework (NPPF) 2021 and subsequent updates; the March 2014 national Planning Practice Guidance (PPG) and updates; National Planning Policy for Waste (NPPW) October 2014; Waste Management Plan for England 2021; extant planning policy statements; Government Circulars and letters to Chief Planning Officers; emerging local development documents (being produced by Surrey County Council, the district/borough council or neighbourhood forum in whose area the application site lies).

### **National Planning Policy Framework and Planning Practice Guidance**

The [National Planning Policy Framework](#) (NPPF) was revised in July 2021. The revised NPPF replaces the previous NPPF published in March 2012 and revised in July 2018 and February 2019. It continues to provide consolidated guidance for local planning authorities and decision takers in relation to decision-taking (determining planning applications) and in preparing plans (plan making).

The NPPF sets out the Government's planning policies for England and how these are expected to be applied and the associated March 2014 [Planning Practice Guidance](#) (PPG) provides related guidance. The NPPF should be read alongside other national planning policies on [Waste](#), [Travellers](#), [Planning for Schools Development](#), [Sustainable Drainage Systems](#), [Parking](#), and [Starter Homes](#).

At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 10). The NPPF makes clear that the planning system has three overarching objectives in order to achieve sustainable development, which are interdependent and need to be pursued in mutually supportive ways in order to take opportunities to secure net gains across each of the different objectives. These objectives are economic, social and environmental.

The presumption in favour of sustainable development in the NPPF does not change the statutory principle that determination of planning applications must be made in accordance with the adopted development plan unless material considerations indicate otherwise. The NPPF is one of those material considerations. In determining planning applications the NPPF (paragraph 11) states that development proposals that accord with the development plan should be approved without delay. Where there are no relevant development plan policies, or the policies which are most important in determining an application are out of date, permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

The NPPF aims to strengthen local decision making and reinforce the importance of up to date plans. Annex 1 paragraph 219 states that in determining planning applications, local planning authorities should give due weight to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies are to the policies in the Framework, the greater the weight they may be given).

## **HUMAN RIGHTS ACT 1998 GUIDANCE FOR INTERPRETATION**

The Human Rights Act 1998 does not incorporate the European Convention on Human Rights into English law. It does, however, impose an obligation on public authorities not to act incompatibly with those Convention rights specified in Schedule 1 of that Act. As such, those persons directly affected by the adverse effects of decisions of public authorities may be able to claim a breach of their human rights. Decision makers are required to weigh the adverse impact of the development against the benefits to the public at large.

The most commonly relied upon articles of the European Convention are Articles 6, 8 and Article 1 of Protocol 1. These are specified in Schedule 1 of the Act.

Article 6 provides the right to a fair and public hearing. Officers must be satisfied that the application has been subject to proper public consultation and that the public have had an opportunity to make representations in the normal way and that any representations received have been properly covered in the report.

Article 8 covers the right to respect for a private and family life. This has been interpreted as the right to live one's personal life without unjustified interference. Officers must judge whether the development proposed would constitute such an interference and thus engage Article 8.

Article 1 of Protocol 1 provides that a person is entitled to the peaceful enjoyment of his possessions and that no-one shall be deprived of his possessions except in the public interest. Possessions will include material possessions, such as property, and also planning permissions

and possibly other rights. Officers will wish to consider whether the impact of the proposed development will affect the peaceful enjoyment of such possessions.

These are qualified rights, which means that interference with them may be justified if deemed necessary in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Any interference with a Convention right must be proportionate to the intended objective. This means that such an interference should be carefully designed to meet the objective in question and not be arbitrary, unfair or overly severe.

European case law suggests that interference with the human rights described above will only be considered to engage those Articles and thereby cause a breach of human rights where that interference is significant. Officers will therefore consider the impacts of all applications for planning permission and will express a view as to whether an Article of the Convention may be engaged.

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**MINUTES** of the meeting of the **PLANNING AND REGULATORY COMMITTEE** held at 10.30 am on 25 May 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:**

Tim Hall (Chairman)  
Ernest Mallett MBE  
Penny Rivers  
Jeffrey Gray  
Jonathan Hulley (Vice-Chairman)  
Victor Lewanski  
David Lewis  
Scott Lewis  
Catherine Powell  
Richard Tear  
Jeremy Webster

Officers informed the committee that the applicant for Item 7 of the agenda, Land at Silvermere Haven Pet Cemetery and Crematorium, had withdrawn their application and therefore it would not be considered at the meeting.

**AAPOLOGIES FOR ABSENCE AND SUBSTITUTIONS [Item 1]**

No apologies had been received.

**40/22 MINUTES OF THE LAST MEETING [Item 2]**

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

**41/22 PETITIONS [Item 3]**

There were none.

**42/22 PUBLIC QUESTION TIME [Item 4]**

There were none.

**43/22 MEMBERS' QUESTION TIME [Item 5]**

There were none.

**44/22 DECLARATIONS OF INTERESTS [Item 6]**

There were none.

**45/22 MINERALS/WASTE EL/2019/2722 - LAND AT SILVERMERE HAVEN PET CEMETERY AND CREMATORIUM, BYFLEET ROAD, COBHAM, SURREY KT11 1DZ [Item 7]**

This item was withdrawn by the applicant.

**46/22 MINERALS/WASTE TA2020/434 RE20/00463/CON - NORTH PARK FARM QUARRY, NORTH PARK LANE, BLETCHINGLEY, SURREY RH9 8ND; LAND NORTH EAST OF PENDELL FARM, PENDELL ROAD, BLETCHINGLEY, RH1 4QH, MERCERS EAST QUARRY, BLETCHINGLEY ROAD, MERSTHAM, REDHILL; AND LAND NORTH WEST OF BREWERSTREET FARM, BREWER STREET, BLETCHINGLEY, REDHILL, RH1 4QP. [Item 8]**

**Officers:**

Caroline Smith (Planning Group Manager)  
 Nancy El-Shatoury (Principal Highways and Planning Solicitor)  
 Stephen Jenkins (Planning Development Manager)  
 Andre Ferreira (Regulatory Business Manager)  
 Samantha Murphy (Planning Development Team Leader)  
 Christopher Reynolds (Senior Historic Buildings Officer)  
 Simon Elson (Principal Environment Enhancement Officer)

**Speakers:**

None.

**Key points raised during the discussion:**

1. Officer introduced the report and provided Members with a brief summary. It was noted that the application was for the extraction of silica sand from land north west of Brewerstreet Farm; the continued extraction from land known as Pendell Farm Quarry and North Park Farm Quarry; retention of a silica sand processing plant and ancillary structures at North Park Farm Quarry including stockpiling and storage areas, water and tailings pipelines, water treatment and holding lagoons and the haul road; retention of the conveyor and access tracks; continued temporary diversions of public footpaths 160, 161, 162 and 163 (parts) and public bridleways 142 and 148 (parts) and the continued stopping up of footpath 121 and 143 (parts); diversion of an unnamed brook along the boundary of land known as Pendell Farm Quarry and land north east of Brewerstreet Farm; with associated landscaping and woodland planting; and restoration and aftercare to agriculture and nature conservation. Members noted a late response from the Environmental Agency.
2. Members noted that an update sheet was published on 24 May 2022.
3. A Member raised concern with the proximity of the works to the listed buildings. Officers explained that Historic England had initially assessed the works to have a high level of less than substantial harm to the buildings. The council and Historic England recognised that the works were an important mineral resource and so mitigations were put in place prior to consideration by the committee. These included:
  - a. Planting to mitigate issues caused by views from the conversation area.
  - b. Additional screening along Becks Cottage.

- c. Additional documentation requested to show long term impacts.
4. The Historic Buildings Officer confirmed that he was content that tree planting would mitigate the visual issue and believed that nothing more could be done to enhance the screening.
5. Members sought officers opinion on the flooding risks to the historic buildings. The Historic Buildings Officer confirmed that he was not concerned by the risk of flooding due to the distance between the buildings and the soil bunds.
6. The Committee asked whether a condition could be included to address the risk of flooding from Water Lane on to the field and potentially damaging the buildings. Officers explained that there was a surface water drainage condition for both the operation and restoration. Members noted that the condition was an initial condition which needed to come in before any soil stripping took place on the extension area. Officers suggested that the condition be amended to include a regular review of the drainage scheme which was agreed by Members. Officers also highlighted that any issues could be picked up through the Landscape Ecological Plan.
7. Members noted that the Environmental Agency had suggested an additional condition related to contamination. A Member requested that the condition be amended to prevent works from continuing on site when contamination was found. Officers explained that stopping works may not be reasonable and proportionate to the level of contamination found and therefore suggested that, in the event of contamination being found, works be stopped within the vicinity of the identified contamination.
8. The Historic Buildings Officer noted that, following restoration, it was not possible to return the landscape to its original topography.
9. Members noted that the screening would be implemented to disguise both the quarry and the soil bunds however some views of the quarry would still be visible from historic buildings.
10. Members noted that it was possible for the permissive footpaths to be retained upon restoration of the area.
11. Officers highlighted that the seed mix to screen the soil bunds included both trees and shrubs.

**Resolved:**

The committee agreed to PERMIT subject to any added and amended conditions and informatives discussed at the meeting, and any conditions and informatives from page 186 of the agenda, and any added and amended conditions and informatives outlined within the update sheet.

**47/22 DATE OF NEXT MEETING [Item 9]**

The date of the next meeting was noted.

Meeting closed at 11.40 am

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**Chairman**

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TO: PLANNING &amp; REGULATORY COMMITTEE

DATE: 29<sup>th</sup> June 2022

BY: COUNTRYSIDE ACCESS OFFICER

DISTRICT(S) WOKING BOROUGH COUNCIL

ELECTORAL DIVISION(S):

WOKING SOUTH

Ayesha Azad

PURPOSE: FOR DECISION

GRID REF: 500973 157630

**TITLE: APPLICATION FOR VILLAGE GREEN STATUS, LAND AT ELMBRIDGE RECREATION GROUND, KINGFIELD**

**SUMMARY**

The committee is asked to consider whether to register the Land the subject of this Application as a Village Green.

Application for Village Green status by Mr Robert Shatwell (the Applicant) dated 9 December 2019 relating to land at Elmbridge Recreation Ground, Kingfield, Woking.

The County Council is the Commons Registration Authority under the Commons Registration Act 1965 and the Commons Act 2006 which administers the Registers of Common Land and Town or Village Greens. Under Section 15 of the 2006 Act the County Council can register new land as a Town or Village Green on application.

**The recommendation is to REJECT the Application**

**APPLICATION DETAILS*****Applicant***

Mr Robert Shatwell

***Land***

Elmbridge Recreation Ground, Kingfield, Woking.

***Date of Application***

9 December 2019

**ILLUSTRATIVE MATERIAL**

Annex A: Plan of Land submitted with Application

Annex B: Evidence in support of Application

Annex C: Woking Borough Council Objection

Annex D: Applicant's response to Objection

Annex E: Statutory Declaration from Woking Borough Council

Annex F: Applicant's response to Statutory Declaration

## 1. BACKGROUND

- 1.1 On 9 December 2019 Surrey County Council received an application for a new village green for the site of Elmbridge Recreation Ground, Kingsfield, Woking (Annex A). Checks identified a missing signature at section 11, and this was added by the applicant on 5 February 2021.
- 1.2 The Application was made on the basis that “a significant number of the inhabitants of any locality or neighbourhood within a locality have indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years”. The Application was accompanied by 2 photographs of the area, a list of 48 signatories who claimed use of the land for recreation/air and exercise and 4 signatories who claimed that the site had been in constant use for over 20 years as evidence in support of the claim for registration (Annex B).
- 1.3 The Commons (Registration of Town or Village Greens) (Interim Arrangements) (England) Regulations 2007 sets out the process to be followed by any applicant seeking to register a new Town or Village Green and the process to be followed by the Commons Registration Authority. Following changes to the law, under the Growth and Infrastructure Act 2013, the Registration Authority must establish whether an application is valid under section 15C of the Commons Act 2006 before the application can be considered.
- 1.4 The relevant planning authorities were consulted to establish whether there were any trigger events that would result in the inability of the Council to proceed with the Application. No trigger events were identified.
- 1.5 A public notice was placed in the local press on 22 April 2021 with an objection period running until 14 June 2021. The Application was placed on public deposit at local libraries and at the District Council offices.
- 1.6 An objection was received from Woking Borough Council (Objector) as owner of the Application Land on 15 June 2021 (Annex C), and the Applicant was given an opportunity to respond to that objection (Annex D).
- 1.7 Legal advice was sought from the Council’s Legal Services regarding both the evidence submitted in support of the claim, the objection received from the landowner and the Applicant’s response to it.
- 1.8 The Council’s Legal Services sought Counsel’s opinion on whether the Application needed to go to a non-statutory inquiry, or whether the Application should be rejected due to insufficient evidence.
- 1.9 Counsel advised the Council’s Legal Services that the Objector should put material relevant to their argument in the form of a statutory declaration and that the Applicant should be given an opportunity to respond. A statutory declaration by Woking Borough Council was submitted on 3 December 2021 and the Applicant responded to this on 10 December 2021 (Annexe E & F).
- 1.10 Counsel then considered the evidence supplied in the statutory declaration and response and gave advice to the Council on the Application.
- 1.11 The Council’s Legal Services issued a report to the Countryside Access Team setting out their recommendation to refuse the Application on the basis that it fails to meet the criteria set out in Section 15(2) of the Commons Act 2006 for registration as a village green.
- 1.12 Section 6, Analysis and Commentary below sets out the factors to be considered in this case.



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## 6. ANALYSIS AND COMMENTARY

- 6.1 Section 15 of the Commons Act 2006 enables the Commons Registration Authority to register land as a Town or Village Green where certain conditions are met. In this instance the Application was made under section 15(2) which sets out that a TVG can be registered where:
- (a) A significant number of the inhabitants from any locality, or any neighbourhood within a locality, have indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years; and
  - (b) They continue to do so at the time of the Application.
- 6.2 Counsel's opinion on this Application focused primarily on the 'by right' issue and the argument put forward by the Objector that the Application Land had been held in accordance with its statutory functions under section 12 of the Housing Act 1985 and its predecessor legislation.
- 6.3 In order to be successful in a claim relying on evidence of use, that use needs to have been 'as of right' for the requisite period of time. For the use of land to be 'as of right' it must have been undertaken without force, without secrecy and without permission.
- 6.4 The Applicant submitted evidence that he claimed showed that the Application Land had been used 'as of right' for at least 20 years. This included photographs which identifies the Application Land as well as signatures from residents.
- 6.5 The Objector claimed that the Application Land had been held in accordance with its statutory functions under section 12 of the Housing Act 1985 and its predecessor legislation meaning that the Application Land had been used 'by right' rather than 'as of right' (Annex C). The Objector submitted further evidence on the issue to which the Applicant responded (Annex E & F).
- 6.6 The material submitted by the Objector with the statutory declaration included deeds and documents illustrating that the Application Land was acquired by the Objector in exercise of their statutory functions under the Housing Acts 1936 – 1949.
- 6.7 The Application Land was built and maintained as a recreation ground and was made available to occupiers of the Elmbridge Estate under statutory powers and has subsequently been held under the powers within section 12 of the Housing Act 1985.
- 6.9 The Supreme Court has held that if the land is held under a provision such as section 12(1) of the Housing Act 1985 then members of the public will have a statutory right to use the land and no question of user 'as of right' can arise.
- 6.10 This means that if the use of the land is the same for which the landowner has granted the public permission to use it, then that use cannot be said to be 'as of right', it has been 'by right'. This would be the case regardless of how long the land was used for.
- 6.11 The Applicant has not in their representations disputed that the Objector acquired the Application Land under these statutory powers. They have also not disputed that the Objector held the Application Land under section 12 of the Housing Act 1985.
- 6.12 SCC Legal services have indicated that Counsel's advice to them on the way in which the landowner holds the land is that this defeats any claim that use is 'as of right' and that as a result the application is impossible to allow. Counsel advised that: "*This clearly*

defeats any claim to be qualifying user under section 15(2) of the Commons Act 2006 because the requirements under that section for registration of a TVG are that the use must be 'as of right' ..." and that land held under section 12 of the Housing Act 1985 or its predecessors is sufficient for it to be used pursuant to a statutory right and so used 'by right' not 'as of right' making the Application impossible to allow.

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## 7. CONCLUSIONS AND RECOMMENDATION

- 7.1 On review of the Application and evidence submitted, Counsel has advised that the Council should refuse the Application. This is on the basis that the Application Land has been shown to be used 'by right' and not 'as of right'. The requirements of section 15(2) of the Commons Act 2006 have therefore not been satisfied as this requires the use of land to be 'as of right'. This, as such, means that the recreation ground cannot be registered.
- 7.2 The Council would not need to hold a non-statutory inquiry before determining the Application. This is because the important aspects of the relevant facts, specifically the 'by right' 'as of right' issues, are not contentious. The Council can therefore proceed based on Counsel's advice and determine the Application without holding an inquiry. Counsel's advice in summary was: "... *It is clear that the Application does not have substance and the Registration Authority should reject the Application based on uncontentious facts and the law as set out in **R (Barkas) v North Yorkshire County Council** [2014] 2 WLR 13. In these circumstances it is not necessary to hold an Inquiry following the guidance set out by the Court of Appeal in **Whitney**<sup>1</sup>. I would advise that Surrey County Council proceeds to refuse this Application...*"
- 7.3 Therefore, Officers recommend that the Application is REJECTED.

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### CONTACT

**CATHERINE VALIANT, COUNTRYSIDE ACCESS OFFICER**

### TEL. NO.

**07976 394660**

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### BACKGROUND PAPERS

All documents quoted in the report.

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<sup>1</sup> **R (Whitney) v Commons Commissioners** [2005] QB 282

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I do hereby certify that I have lived in The Elmbridge Estate in Kingfield, Woking for more than 30 years. I do also hereby certify that I have used the area, known locally as Elmbridge Recreation Ground, as of right, for over 30 years for the purposes of recreation, dog walking, air and exercise and wish to so continue to do so.

Signed *J. Lester*

Name *JEANNE LESTER*

I do hereby certify that I have lived in The Elmbridge Estate in Kingfield, Woking for more than 30 years. I do also hereby certify that I have used the area, known locally as Elmbridge Recreation Ground, as of right, for over 30 years for the purposes of recreation, dog walking, air and exercise and wish to so continue to do so.

Signed

*T. E. Lester*

Name

THOMAS ERNEST LESTER

I do hereby certify that I have lived in The Elmbridge Estate in Kingfield, Woking for more than 30 years. I do also hereby certify that I have used the area, known locally as Elmbridge Recreation Ground, as of right, for over 30 years for the purposes of recreation, dog walking, air and exercise and wish to so continue to do so.

7

Signed

*P A Russell*

Name

*P A Russell*

I do hereby certify that I have lived in The Elmbridge Estate in Kingfield, Woking for more than 30 years. I do also hereby certify that I have used the area, known locally as Elmbridge Recreation Ground, as of right, for over 30 years for the purposes of recreation, dog walking, air and exercise and wish to so continue to do so.

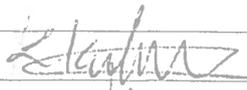
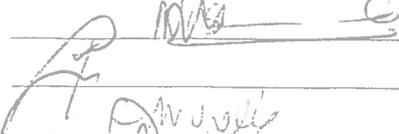
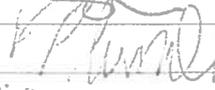
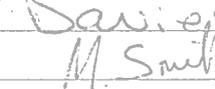
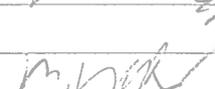
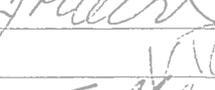
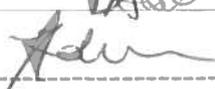
Signed



Name

PE ANDREWS

We, the undersigned residents of Elmbridge in Kingfield, Woking, do hereby certify that we use the area known locally as Elmbridge Recreation Ground, as of right, for the purposes of recreation, dog walking, air and relaxation and do wish to continue to do so in perpetuity.

Signed	Name
	KUGAN KARWAL
	NISITHA LEO
	KIRAN KUGAN
	CAROLINE MURRELL
	STEVE SMITH
	GREGOR GRAY
	LEO MATHEW
	GUILAUME CORTADE
	WILLIAM WINDSOR
	P. PLUMERET
	J. DAVIES
	MO SMITH, MBE, FRSA
	LOUI BARABATES
	CHRIS McDUNOUGH
	MASON WAKER
	CARL NORRWIN
	F. MILLED
	J. MILLED
	TRACEY MORAN
	SHANE HALICAN
	DUNCAN MARSHALL
	BART ADAMSKI
	JO ADAMSKA

We, the undersigned residents of Elmbridge in Kingfield, Woking, do hereby certify that we use the area known locally as Elmbridge Recreation Ground, as of right, for the purposes of recreation, dog walking, air and relaxation and do wish to continue to do so in perpetuity.

Signed

Name

<i>[Signature]</i>	Julie Farnfield
<i>[Signature]</i>	Gilzeb Ambreen
<i>[Signature]</i>	Bonnie Kirk
<i>[Signature]</i>	<del>Rose</del> Kirk
<i>[Signature]</i>	E TOMS
<i>[Signature]</i>	K. Greenwood
<i>[Signature]</i>	D. F. Johnson
<i>[Signature]</i>	C. MURRELLS
<i>[Signature]</i>	D. WEDDEN
<i>[Signature]</i>	RACHEL WEDDEN
<i>[Signature]</i>	D. Westwood
<i>[Signature]</i>	Hannah Hall
<i>[Signature]</i>	DANIEL CLARK
<i>[Signature]</i>	MARCO CURSARI
<i>[Signature]</i>	Danielle Cunnett
<i>[Signature]</i>	LONJA FLIJASZ
<i>[Signature]</i>	MR FREELAND
<i>[Signature]</i>	CAROLYN WHITMORE
<i>[Signature]</i>	HAMID MASUD
<i>[Signature]</i>	ROBERT SHAWWEL



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**Commons Registration Act 1965/Commons Act 2006**

**Land at Elmbridge Recreation Ground, Queen Elizabeth Way, Woking**

**Application for a new Village Green**

**Application No 1887**

7

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**STATEMENT OF OBJECTION**

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**BY**

**Woking Borough Council**

**Civic Offices**

**Gloucester Square**

**Woking**

**Surrey**

**GU21 6YL**

**Ref : AJF/7244**

This statement is notice of objection submitted on behalf of Woking Borough Council as landowner to an application made by the Applicant to Surrey County Council on 9 December 2019 pursuant to section 15(2) of the Commons Act 2006 to register an area of land as a village green.

### Background

1. The application is made by Robert A Shatwell in respect of land known as Elmbridge Recreation ground. The application is accompanied by 2 photographs and various signatures of local residents.
2. Woking Borough Council is the registered freehold owner of the land under land registry title number SY756213. The land is located between Queen Elizabeth Way and Elmbridge Lane, Woking, Surrey.
3. Council records confirm the land is managed by the Housing team as local housing authority. The land was acquired by the Council for the purposes of providing housing. Council records show that all the properties surrounding the recreation ground were council owned but some have over the years been sold to tenants under the Right to Buy Scheme. However, a number of properties are still retained by the Council as housing and even those properties sold under the Right to Buy Scheme the council has a vested interest in those properties as Freeholder.
4. Planning records show that planning permission was granted in 1948 for the houses in the Elmbridge estate. A subsequent planning consent was granted in 1964 for the construction of a rear access to serve the 75 council houses. The permission refers to open spaces and the plans show the recreation ground in situ. The land has therefore been partly developed as public sector housing accommodation and remainder of the land was set aside as a recreation ground provided and maintained by the Council. The land has been laid out as such and made available for public recreation. It has been subsequently managed and maintained it for this use thereafter.
5. The Council has researched its archives in order to discover material relevant to the acquisition of the land. A conveyance dated 12 April 1951 made between A & J Simmons Limited and Urban District Of Woking states:-
 

*“2. The said property being required by the Council in the exercise of their Statutory functions under the Housing Acts 1936 – 1949 .....*”
6. The conveyance confirms the land was acquired for the purposes of the Council meeting its statutory obligation to provide housing under the Housing Act 1936. Since the land was laid out as a recreation ground it was made available to the occupiers of the Elmbridge estate under the statutory power within section 80 of the Housing Act 1936 and subsequently under the similar provisions of section 12 of the Housing Act 1985.
7. The housing was built and the Council has laid out and maintained the recreation ground pursuant to the now section 12 of the Housing Act 1985.

8. The Council as local housing authority has provided and maintained in connection with housing accommodation provided by them a recreation ground to serve a beneficial purpose in connection with the requirements of the persons for whom the housing accommodation is provided. Members of the public therefore have a statutory right to use the land for recreational purposes. As such the land is held under s.12 of the 1985 Act and is used “by right” (i.e. with permission) and not “as of right”.
9. The Supreme Court in the case *R (Barkas) –v- North Yorkshire County Council 2014* held that land cannot not be registered as a town or village green where its use by the public was permitted by statute as such use is considered to be by right rather than as of right.

#### Maintenance of the land for open public recreational space

10. The land has been maintained by the Council. The general grounds maintenance is carried out by council contractors Serco as part of an Environment contract, which covers all the Council’s green space, including public parks and recreation grounds, highway verges and Housing land. The Council has provided an informal kick-about area comprising two MUGA goal ends with rubber surfacing immediately in-front of each.
11. Maintenance of the land by Serco includes grass cutting of the open space area once a month, the land has a weekly inspection by a qualified play inspector, the vegetation is cut back annually, annual weed killing of the area for hardstanding weeds usually around June/July. Other works will also be carried out if needed or requested by the Council.
12. These acts of maintenance and management of the land are evidence that the land has been set out and is maintained as a recreation ground pursuant to section 80 of the Housing Act 1936. Such acts may also be considered to give rise to an inference of permission.

#### Development Plans

13. The land was considered as part of the Strategic Housing Land Availability Assessment (SHLAA) in 2017. The main role of the SHLAA is to provide information on the opportunities available to meet the Borough’s housing requirement. The land is identified SHLAA ref - SHLAAHOE017. The report sets out that this parcel of land currently contains parking areas, garages and open recreation space. Among the identified constraints to residential development was the loss of open recreation space. It is therefore clear that the land remains open recreation space.

#### Statutory Criteria to be met for registration

14. The criteria which must be met for an application to add land to the register of town and village greens to be successful are set out in Section 15 of the Commons Act 2006 Act. The application has been made under Section 15(1) which states:-

*“Any person may apply to the commons registration authority to register land as a town or village green if subsection 2 applies”.*

15. Section 15(2) provides that a town or village green has come into existence where:-
- “a) *a significant number of the inhabitants of any locality, or of any neighbourhood within a locality, have indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years; and*
  - b) *they continue to do so at the time of the application.*”
16. For the land to qualify as a village green evidence must be submitted to satisfy all the criteria above. Failure to meet any one of the tests means that the land is not legally a green and cannot be registered as such.

#### Grounds of Objection

17. The usage of the land by the public for lawful sports and past times has not been ‘as of right’ as required by s15(2) of the Commons Act 2006.
18. The land is held under statutory powers for recreational purposes and the public have the right to use the land for recreational purposes. The Council argues that the users are exercising their statutory right to use the land.
19. The burden of proof lies upon the Applicant to show that all the qualifying criteria have been properly and strictly proved. As set out in the case of *R–v- Suffolk CC ex p Steed 1996* the onus of proving that the land has become a town or village green lies upon the applicant. The court stated “*it is no trivial matter for a landowner to have land registered as a village green so it must be properly and strictly proved*”.

#### Significant number

20. The application is supported by 4 signatures from residents stating the land has been used for over 30 years for the purposes of ‘recreation, dog walking, air and exercise’. There is also 48 signatures from residents stating they use the land for the purposes of ‘recreation, dog walking, air and relaxation’.
21. It is noted that the 2006 Act does not define what constitutes a ‘significant number’. However, the approach adopted by the High Court in the case of *R (Alfred McApline Homes Ltd) –v- Staffordshire County Council 2002* was that *what matters is that the number of people using the land in question has to be sufficient to indicate that their use of the land signifies that it is the general use by the local community for informal recreation, rather than occasional use by individuals as trespassers*. It was accepted that it does not mean a considerable or substantial number. The Council does not dispute that 52 signatures from residents constitutes a significant number.

#### Inhabitants of any locality, or of any neighbourhood within a locality

22. The use needs to be a significant number of inhabitants of a locality or of a neighbourhood within a locality.
23. The applicant fails to identify in the application whether it is a locality or neighbourhood within a locality. However, a map was provided marking the area shaded in orange. The area appears to fall within the Hoe Valley ward.

24. The evidence by way of signatures does not provide the residents address. It is therefore not enough to demonstrate that the inhabitants came from the Hoe Valley ward of Woking. In our opinion this element of the criteria has not been satisfied.

#### Lawful sports and pastimes on the land

25. The evidence submitted refers to 'recreation' amongst other things. They fail to describe the range of activities undertaken. In the case of *R –v- Oxfordshire CC, ex parte Sunningwell PC 2000* it is established that lawful sports and pastimes do not have to be organised sports or have a communal element. Informal and solitary activities such as dog walking are sufficient as long as there is an established pattern of use and it is not trivial and sporadic.
26. The evidence submitted as part of the application is not detailed enough and does not specify how much use of the land there was by them during the relevant period. Matters of how regularly the land was used and for what purpose are crucial. In the absence of evidence that precisely describes the nature of recreation/activities undertaken and state how the land was used, and how often e.g. how many times per week it does not meet the criteria. The use may have been occasional which doesn't satisfy the criteria.

#### As of right

27. The Applicant must show, on the balance of probabilities, that the use was "as of right", which is part of the qualifying criteria under section 15 of the 2006 Act.
28. For the use to be 'as of right' it must be without force, without secrecy and without permission.
29. The Council does not dispute the land has been used openly and without force. The Council disputes the use has been 'as of right'. It is the Council's submission that the use was with permission. The land is held under statutory powers for recreational purposes and the public have the right to use the land for recreational purposes.
30. The Council argue that the residents have exercised their statutory right to use the land for recreational purposes. The land is held under statutory powers and as a result the use is considered to be by right rather than as of right.
31. The land was purchased by the Council and the 1951 conveyance specifies the statutory power under which it entered into the conveyance.
31. As mentioned above the Supreme Court case of *R (Barkas) –v- North Yorkshire County Council 2014* established land cannot not be registered as a village green where its use by the public was permitted by statute as such use is considered to be by right rather than as of right.
32. This element of the criteria is therefore not satisfied.

#### For a period exceeding 20 years

33. The applicant must show that local inhabitants have used the land continuously for not less than 20 years. Whilst there are 4 signatures stating they have used the land for over 30 years, the remaining 48 signatures from residents stating they use the land for

the purposes of 'recreation, dog walking, air and relaxation' do not say how long they have used the land for. As such this evidence offers no weight to satisfy this element of the criteria.

34. The Council has already set out above its concerns about the weight that can be offered to the evidence in the form of 4 signatures.
35. The Council is of the opinion that there is insufficient evidence of a qualifying use of the land for a continuous period of over 20 years and this element of the criteria is not satisfied.

#### Conclusion

36. It is clear from evidence provided by the applicant that it does not satisfy the criteria set out in section 15 (2) of the 2006 Act.
37. For the above reasons the Council invites the Registration Authority to consider the matters set out in this statement and dismiss the application.



11, Lime Grove, Woking, GU22 9PW

Email: [chair@hoevalleynf.co.uk](mailto:chair@hoevalleynf.co.uk)

Tel: 07818441148

For Attn,

Ms C Valliant,

Local Commons Registration Officer,

Surrey County Council

Dear Ms Valliant,

Dear Ms Valliant,

Whilst the application is in my name it is made on behalf of The Hoe Valley Neighbourhood Forum, and as such represents the views of the residents of Elmbridge, Kingfield, and Old Woking.

Referring to the letter of objection submitted by Woking Borough Council, I would make the following observations:-

- a) Under 3 The Commons Act 2006 it does not matter who manages the land. The Act only stipulates who actually owns the land, a fact the council accept as being they as landowners. It makes no mention of any land or properties adjoining or adjacent to the Recreation Ground.
- b) Under item 4, a planning consents granted in 1948 and again in 1964 are now "timed out" and have no relevance as trigger events and as such should be ignored.
- c) Under item 5, The Act makes no mention as to proving how the current landowner obtained the land, or from whom, therefore this matter should be ignored as not being relevant.
- d) Under item 6/7/8, Woking Council accept they are the landowners and that it is maintained for recreational purposes and **NOT** being used for residential purposes. Under The Commons Act of 2006 it matters not who maintains the land or for what purpose. I therefore submit that these items should be ignored
- e) Under item 8, the definition of **As of Right** is that a person has not been given a specific right to use a parcel of land for any purpose. The residents surrounding this recreation ground and those having bought their homes under private purchase agreements have **NEVER** been

given any specific right of use of this land nor been made aware of any statutory right to do so. I therefore submit that they should be classed as having used the land "*as of right*".

- f) Under the Woking Council Site Allocation Development Plan Document there is no mention of this land being classified as SHLAA assessed land. No planning applications are in motion for this site. A previous planning application, (conveniently not referred to by the council), for the demolition of some garages, on land adjoining, but separate from, the recreation ground, was refused planning consent on the grounds that the access roads to the site, and shared by the recreation ground, were too narrow for emergency service and large goods vehicles to access the site. These access roads could not be widened without the need for compulsory purchase of privately owned properties. It was decided that this means of obtaining ownership was not appropriate.
- g) Under sec15(2) of The Commons Act 2006 an application for redesignation of land requires a "significant number of inhabitants of any locality, or of any neighbourhood within a locality have indulged, as of right, in any lawful sports and pastimes on the land for a period of 20 years or more and that they wish to continue as such. You will see from the submissions in the original application that this criteria has been fulfilled. It does not stipulate that each separate signatory has to have used the land continuously for over 20 years. I submit that the 4 signatories claiming use for use 20years shows that the land has been used as such for this period of time. The remaining signatories show a continual and current usage.

#### Under the Councils "**Grounds for Objection**"

- h) Under item 17, the land has been used, as of right, due to the landowner not having given notice of any statutory right to use the land. There are no signs attached to the land to indicate any, and what, statutory right residents have, if any.
- i) The burden of proof, as laid down under sec 15(2) of the Commons Act 2006 has clearly been shown that all qualifying criteria have been proved.
- j) Under item21, Woking Council have accepted that the number of signatories obtained constitutes a significant number.
- k) Under item 23 Woking Council accept that the area, according to the map previously submitted, from whence the signatures were collected, shows the residents to all be from the local area.
- l) Under item 24, if Woking Council wish to dispute that the signatories are from the local area all they need do is to examine their own records in order to confirm this.
- m) Under items 25/26 Woking Council accept that the sport and/or recreational activities do not have to be organised or to have a communal element and may be informal and solitary such as dog walking are sufficient. It is felt that the council are being too pedantic in demanding to know how often and how much the recreation ground is being used by each individual signatory. Do they expect a statement, under oath or affirmation, from each signatory?
- n) Under item 27, once again we submit that if the council have not given a specific consent, or informed the residents of any statutory right as to what residents can or cannot do on the land then the residents are using the land "as of right".
- o) Under item 28 the council infer there has been a right to use the land for air and exercise with no force, without secrecy and without **written consent**. The council provided a fence around the recreation ground with open access points for the residents to use, thereby providing free and easy access to the land. The residents have had "**open**" access without secrecy.

- p) Under item 29, we submit that the council have not made clear that all residents have statutory permission to use the land, or any restrictions placed on the land, therefore we submit that they have used the land “as of right”.
- q) Under item 30, The Commons Act 200 sec15(2) only specifies that a significant number of residents use the land and that that use has been continuous for a period exceeding 20 years. It does not require evidence of continuous use exceeding 29years by each and all signatories.
- r) Under item 35, it is the opinion of The Hoe Valley Neighbourhood Forum that sufficient evidence of continuous use by a significant number of local residents for air and exercise over a period exceeding 20 years exists.

**Conclusion**

It is clear, by evidence, that a significant number of local residents use this site on a regular basis for air and exercise on an as of right basis and that those residents wish to continue to do so.

For the above reasons we, The Hoe Valley Neighbourhood Forum, submit that the Registrations Authority consider the matters set out in our response to the letter of objection submitted by Woking Borough Council and invite you to grant our application that the Elmbridge Recreation Ground be reclassified as a Local Village Green.

Yours faithfully

Robert Shatwell

Chair,

Hoe Valley Neighbourhood Forum

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COMMONS ACT 2006STATUTORY DECLARATION IN SUPPORT OF AN OBJECTION

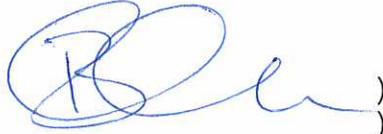
I, **VANESSA TABNER** of Woking Borough Council, Civic Offices, Gloucester Square, Woking, Surrey, GU21 6YL do solemnly and sincerely declare as follows:

1. I am employed by Woking Borough Council ("the Council") as the Senior Estates Manager in the Asset Management team and I have been so employed since 29 October 1998.
2. The Council owns a range of assets which includes commercial properties and land. The Asset Management team is responsible for the operational management and maintenance of these assets. Responsibility for the Council's corporate land holdings falls within my remit.
3. There is now produced to me and marked as "**Exhibit A**" an official copy of the register of title in respect of application land at Land forming part of Queen Elizabeth Way, Woking registered under HM Land Registry title number SY756213 ("the Land").
4. There is now produced to me and marked as "**Exhibit B**" an official copy of the H M Land Registry filed plan in respect of the Land outlined in red. .
5. The title confirms that Woking Borough Council is the registered freeholder owner of the Land.
6. The Property Register shows that the land was acquired by the Council pursuant to the Housing Act 1980 or Part V of the Housing Act 1985 and has the benefit of and is subject to the easements and other rights prescribed by paragraph 2 of Schedule 2 to the Housing Act 1980 or Schedule 6 to the Housing Act 1985.
7. The Land is subject to a Conveyance dated 12 April 1951 and made between A and J Simmonds Limited of the one part and The Urban District Council of Woking of the second part ("the Conveyance"). This is shown at Entry 1 of the Charges register. The Conveyance relates to the sale of the land by A & J Simmonds to The Urban District of Woking. There is now produced to me and marked as "**Exhibit C**" a copy of the Conveyance.
8. The Conveyance confirms that the housing estate was acquired by The Urban District of Woking, the Council's predecessor for the purposes of its statutory function under The Housing Acts 1936-1949.
9. Planning records show that planning permission was granted in 16 July 1948 for the houses in the Elmbridge estate including the streets and open spaces bearing planning reference number 3001. There is now produced to me and marked as "**Exhibit D**" a copy of the planning permission 3001.
10. Planning records also show that a subsequent planning consent was granted on 25 February 1965 for the construction of a rear access to serve the council houses bearing planning reference number 18850. The plans show the recreation ground in situ. There is now produced to me and marked as "**Exhibit E**" a copy of the planning permission 18850.



11. When the housing estate was built the recreation ground was laid out and until the present day is provided and maintained by the Council in connection with the housing accommodation and is made available to the occupiers of the housing estate and the public under a statutory power.

AND I make this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act 1835.

DECLARED by  )  
at )  
this 3rd day of December 2021 )

V. Jones

Before me,

A Solicitor empowered to administer Oaths

Bronwyn White  
Solicitor  
Mackrell Turner Garrett (Surrey) Limited  
1st Floor Technology House  
48-54 Goldsworth Road, Woking  
Surrey, GU21 6LE, UK



STATUTORY DECLARATION IN SUPPORT OF AN OBJECTION

EXHIBIT A

This is the Exhibit marked "Exhibit A" referred to in the Statutory Declaration of  
Vanessa Tabner

DECLARED by  )  
at )  
this 3rd day of December 2021 )

*Vanessa Tabner*

Before me,

A Solicitor empowered to administer Oaths

Bronwyn White  
Solicitor  
Mackrell Turner Garrett (Surrey) Limited  
1st Floor Technology House  
48-54 Goldsworth Road, Woking  
Surrey, GU21 6LE, UK



The electronic official copy of the register follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.



## Official copy of register of title

Title number SY756213

Edition date 23.08.2018

This official copy shows the entries on the register of title on 09 JUL 2019 at 09:06:01.

This date must be quoted as the "search from date" in any official search application based on this copy.

The date at the beginning of an entry is the date on which the entry was made in the register.

Issued on 09 Jul 2019.

Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.

This title is dealt with by HM Land Registry, Durham Office.

## A: Property Register

This register describes the land and estate comprised in the title.

SURREY : WOKING

- 1 (24.11.2006) The Freehold land shown edged with red on the plan of the above title filed at the Registry and being Land forming part of Queen Elizabeth Way, Woking.

NOTE: The land tinted green on the title plan is not included in the title.

- 2 (24.11.2006) By Transfers of adjacent or neighbouring land pursuant to Chapter 1 of Part 1 of the Housing Act 1980 or Part V of the Housing Act 1985 the land has the benefit of and is subject to the easements as are granted and or reserved therein and to the easements and other rights prescribed by paragraph 2 of Schedule 2 to the Housing Act 1980 or Schedule 6 to the Housing Act 1985.
- 3 (10.05.2013) The land edged and numbered in green on the title plan has been removed from this title and registered under the title number or numbers shown in green on the said plan.
- 4 (23.08.2018) The land has the benefit of any legal easements reserved by transfers of land removed from the title shown edged and numbered in green on the title plan.
- 5 (23.08.2018) The transfers of those parts edged and numbered in green on the title plan which were made pursuant to Part V of the Housing Act 1985 took effect with the benefit of and subject to the easements and other rights prescribed by paragraph 2 of Schedule 6 of that Act.

## B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

### Title absolute

- 1 (24.11.2006) PROPRIETOR: WOKING BOROUGH COUNCIL of Civic Offices, Gloucester Square, Woking, Surrey GU21 6YL.

Title number SY756213

## C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 (24.11.2006) The land on the east side of 95 Queen Elizabeth Way is subject to the rights reserved by a Conveyance of the land in this title and other land dated 12 April 1951 made between (1) A & J Simmons Limited (Vendor) and (2) Urban District Of Woking.

-NOTE: Copy filed.

- 2 (24.11.2006) The parts of the land affected thereby are subject to the following rights granted by a Conveyance of other land dated 27 June 1953 made between (1) The Urban District Council Of Woking and (2) The South Eastern Electricity Board:-

The land has the benefit of a right of way over the land tinted brown on the title plan and with the right of entry on the said land ..... for the purpose of laying down constructing maintaining and using and from time to repairing removing renewing altering inspecting examining and testing cables and ducts (including ducts for carrying such cables and appliance) for the transmission of electricity under the said lands.

NOTE: The land tinted brown referred to lies between 49 and 51 Elmbridge Lane and is a pathway leading from Elmbridge Lane to the Electricity Sub Station.

- 3 (24.11.2006) The land on the west side of 13 Elm Bridge Lane and to the rear of 3 to 17 (odd) Queen Elizabeth Way is subject to the rights granted by a Deed dated 11 October 1994 made between (1) Woking Borough Council (Grantor) and (2) Hilda Veronica Manners (Grantee).

-NOTE: Copy filed.

- 4 (23.08.2018) The roads and footapths included in the title are subject to rights of way granted by transfers of the parts edged and numbered green on the title plan.

End of register



STATUTORY DECLARATION IN SUPPORT OF AN OBJECTION

EXHIBIT B

This is the Exhibit marked "Exhibit B" referred to in the Statutory Declaration of  
Vanessa Tabner

DECLARED by  )  
at )  
this 3rd day of December 2021 )

*V. Tabner*

Before me,

A Solicitor empowered to administer Oaths

Bronwyn White  
Solicitor  
Mackrell Turner Garrett (Surrey) Limited  
1st Floor Technology House  
48-54 Goldsworth Road, Woking  
Surrey, GU21 6LE, UK



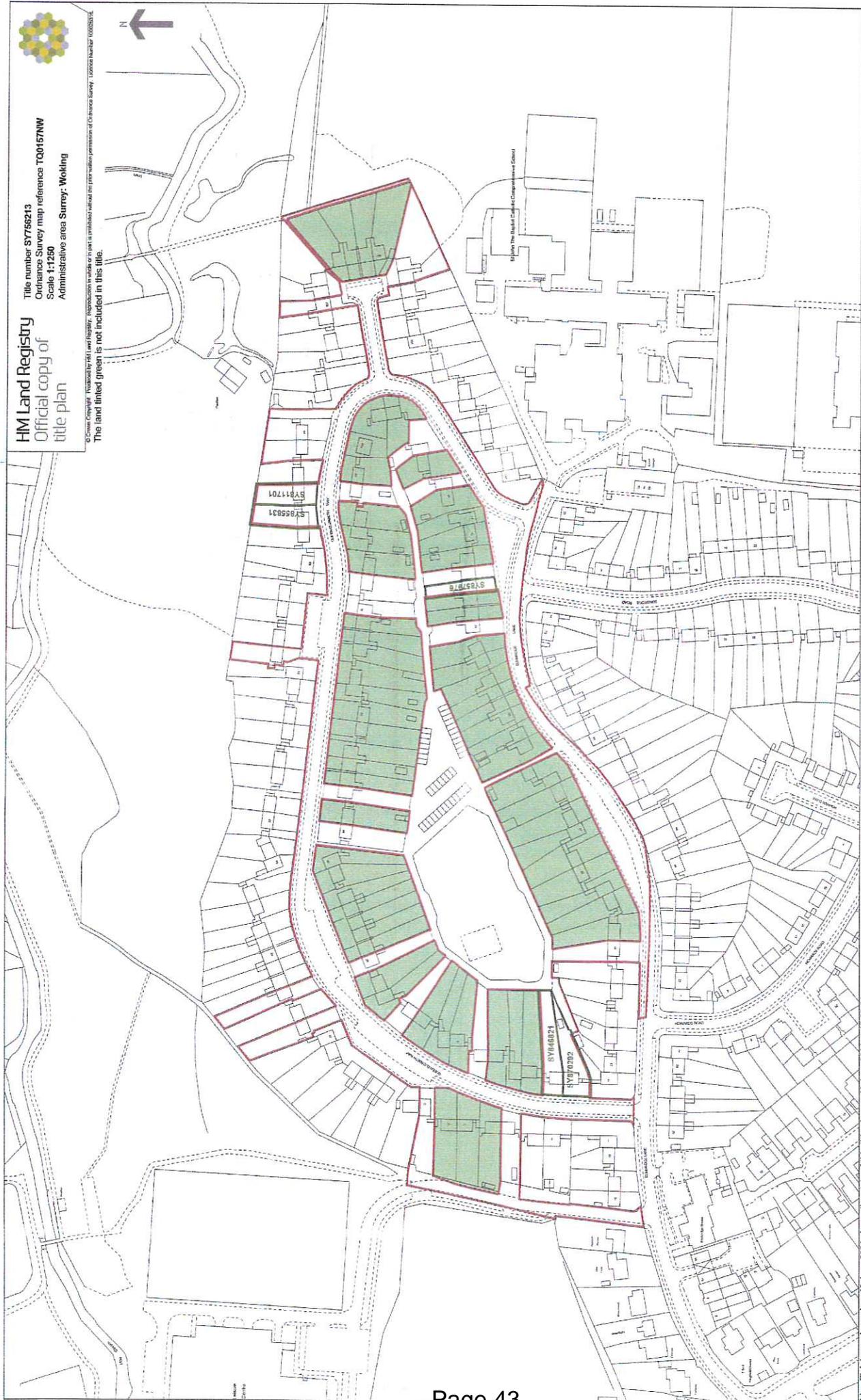


HM Land Registry  
 Official copy of  
 title plan

Title number SY76213  
 Ordnance Survey map reference TQ0157NW  
 Scale 1:1250  
 Administrative area Survey: Working

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The land tinted green is not included in this title.



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STATUTORY DECLARATION IN SUPPORT OF AN OBJECTION

EXHIBIT C

This is the Exhibit marked "Exhibit C" referred to in the Statutory Declaration of

Vanessa Tabner

DECLARED by  )  
at )  
this 3rd day of December 2021 )

*Vanessa Tabner*

Before me,

A Solicitor empowered to administer Oaths

Bronwyn White  
Solicitor  
Mackrell Turner Garrett (Surrey) Limited  
1st Floor Technology House  
48-54 Goldsworth Road, Woking  
Surrey, GU21 6LE, UK



These are the notes referred to on the following official copy

Title Number SY756213

The electronic official copy of the document follows this message.

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Please note that the quality of one or more pages may be poor. Unfortunately this is the best quality image we hold of the document. If you are able to obtain a better quality copy from another source we would be grateful if you would send it to us so we may update our records. Alternatively if you know who holds or may hold either a copy or the original please let us know so that we may contact that person.

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You can view or download copies of the practice guide from our website at [www.gov.uk/land-registry](http://www.gov.uk/land-registry) in English or Welsh. Alternatively, you can telephone Customer Support on 0300 006 0411 (0300 006 0422 for a Welsh-speaking service).

Please note that this is the only official copy we will issue. We will not issue a paper official copy.

71. 21/6



640



THIS CONVEYANCE is made this *Twelfth* day of *July* 1951  
 One thousand nine hundred and fifty one BETWEEN A. & J. SIMMONS I  
 whose registered office is situate at Kingfield Road Woking in the  
 of Surrey and was formerly at 4 Broad Street Place in the City of London  
 Building Contractors (hereinafter called "the Vendors") of the one part and  
 the URBAN DISTRICT COUNCIL OF WOKING in the County of Surrey aforesaid  
 (hereinafter called "the Council") of the other part

WHEREAS

1. The Vendors are seised of the property described in the First Schedule hereto for an estate in fee simple absolute in possession subject to the exceptions and reservations and the restrictions stipulations and conditions set out and more particularly referred to in the Second Schedule hereto but otherwise free from incumbrances
2. The said property being required by the Council in the exercise of their Statutory functions under the Housing Acts 1936-1949 the Vendors have agreed to sell the same to the Council subject as aforesaid but otherwise free from incumbrances for the sum of Two thousand pounds

NOW THIS DEED WITNESSETH as follows:-

1. In pursuance of the said Agreement and in consideration of the sum of Two thousand pounds now paid by the Council to the Vendors (the receipt whereof the Vendors hereby acknowledge) the Vendors as Beneficial Owners hereby convey to the Council ALL THOSE pieces or parcels of land referred to in the First Schedule hereto as the same are more particularly delineated and described on plan numbered 2486/12 (hereinafter referred to as the "estate plan") attached hereto and thereon coloured yellow and brown EXCEPTING and RESERVING nevertheless unto the Vendors and their successors in title and assigns and others so entitled the matters specified in the Second Schedule hereto TO HOLD the same unto the Council in fee simple subject as aforesaid but free from all other incumbrances

2. The Council hereby covenant with the Vendors that they will:-
- (i) As and when the work of widening that part of Elm Bridge Lane lying between the points marked A and B on the plans annexed hereto and on which the said strip of land secondly referred to in the First Schedule hereto abuts has been completed convey free of all road charges to Malcolm Alexander Campbell or other for the time being the owner of Kingfield Farm House such part of the said strip of land between the points marked A and B on the plans aforesaid which is not incorporated in the highway to the intent that the said Kingfield Farm House shall have an immediate frontage to Elm Bridge Lane aforesaid
  - (ii) When carrying out the work of widening that part of Elm Bridge Lane lying between the points marked B and C on the said plans incorporate in the

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said Elm Bridge Lane as part of the highway the strip of land thirdly referred to in the First Schedule hereto to the intent that the Vendors adjoining land to the south of Elm Bridge Lane shall have a frontage thereto free of all road charges between the points marked B and C on the plans annexed hereto

(iii) Erect and for ever hereafter maintain in complete repair within the boundary of the land hereby conveyed and dividing the same from the land coloured orange on the estate plan referred to in the First Schedule hereto a chain link and concrete post fence not less than five feet in height with double gates upon the said boundary giving access to the land coloured orange on the estate plan hereinbefore referred to

(iv) Erect upon the boundary of the Vendors remaining land having a frontage to Elm Bridge Lane a chain link and concrete post fence not less than five feet in height together with double gates of a standard and in a position to be agreed with the Vendors giving access to and egress from the Vendors adjoining land

(v) Erect upon the Elm Bridge Lane boundary of the property adjoining known as Kingfield Farm House a chain link and concrete post fence not less than five feet in height with swing gate in line with the existing gate giving access to the said adjoining property or such other fence or hedge as shall be agreed upon between the Council and the said Malcolm Alexander Campbell.

3. It is hereby agreed and declared that the said property may be used or appropriated by the Council or any Local Authority claiming under them for the purpose of any of their functions or for any purpose for which they may from time to time be authorised to hold land without any claim from the Vendors or any person claiming under them

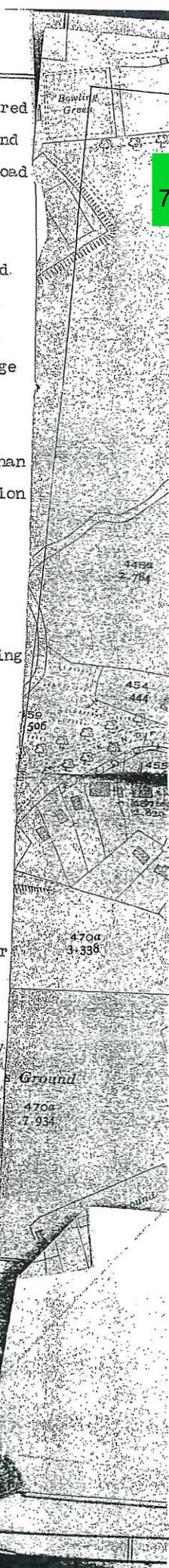
4. The said purchase money of Two thousand pounds includes compensation for and shall be accepted in full satisfaction of all claims other than under Part VI of the Town and Country Planning Act 1947 whether specifically mentioned or otherwise arising out of the taking of the said property by the Council and the use thereof for the purposes aforesaid or any other Statutory functions to which the property may be appropriated including the execution of any works authorised by the Housing Acts 1936-1949 or any other Statute as aforesaid

5. The Vendors hereby acknowledge the right of the Council to production and delivery of copies of the documents specified in the Third Schedule hereto (possession of which is retained by them) and hereby undertake with the Council for the safe custody thereof

IN WITNESS whereof the Vendors and the Council have caused their respective Common Seals to be hereunto affixed the day and year first before written

THE FIRST SCHEDULE

FIRST ALL THAT piece or parcel of land containing 21.33 acres or thereabouts forming Ordnance enclosures Numbers 436, 437, 438, 439, 439a, 440, 441 and



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481a and part of enclosure Number 336 having a frontage to the North side of Elm Bridge Lane Woking TOGETHER with those parts of Ordnance Enclosures 349d and 481 being the footpaths lying respectively to the east and south of Ordnance Enclosure 481a TOGETHER ALSO with all the estate right title and interest vested in the Vendors of and in the strip of land forming part of Ordnance Enclosure 435 and being part of Elm Bridge Lane and SECONDLY ALL THAT strip of land ten feet in width being part of Ordnance enclosure Number 446 (formerly 595) lying between the points marked A and B on the plans annexed hereto formerly forming part of the garden of Kingfield Farm House in the occupation of the said Malcolm Alexander Campbell having a frontage to the South side of the said Elm Bridge Lane and THIRDLY ALL THAT strip of land of irregular width being a further part of Ordnance enclosure No.446 (formerly 595) lying between the points marked B and C on the said plans forming part of the land in the occupation of the Vendors ALL of which said pieces or parcels of land are more particularly delineated and described on the estate plan annexed hereto and thereon coloured yellow and brown to the intent that the plan numbered 2486/25 so far as concerns the strip of land lying to the south of Elm Bridge Lane between the points marked A and C shall be an enlargement and explanation of the estate plan TOGETHER with full right and liberty for the Council to construct lay and for ever after maintain the foul and surface water sewers shown marked red and blue respectively on the estate plan hereto for the passage and running of foul sewage and surface water from the Council's Elm Bridge Estate through the Vendors adjoining land shown on the estate plan and thereon coloured orange TOGETHER ALSO with the full right and liberty to enter upon the said land to inspect make repair and maintain the said sewers and the manholes and all inspection chambers connected thereto doing as little damage as possible and forthwith making good all damage done

THE SECOND SCHEDULE

Matters subject to which the property is conveyed

1. As to the land in the First Schedule first hereinbefore referred subject to the full right and liberty of the Vendors and their successors in title and assigns and all others the like entitled, the owners or occupiers for the time being of the property being part of Ordnance parcel No. 336 (formerly 550) coloured orange on the estate plan or of any part thereof and their respective servants and licencees (a) at all times and for all purposes with or without vehicles to go pass and repass along over and upon the strip of land of the width of fourteen feet the approximate position of which is shown and coloured brown on the estate plan and (b) to the free and uninterrupted passage and running of water gas and electricity through the water mains gas pipes and electric wires and cables which are now or may at any time hereafter be in or under the said strip of land coloured brown on the estate plan and with full right and liberty to enter thereon with workmen and others from time to time

to construct and lay water mains gas pipes electric wires or cables and to execute effect and do all necessary cleansings and repairs thereto or renewals thereof

2. As to the land in the First Schedule secondly hereinbefore referred to subject until the Conveyance referred to in Clause 2(i) hereof has been completed to the right of the owner or occupier of the said Kingfield Farm House and his or her Executors administrators and assigns and all persons authorised by him her or them to pass and repass at all times over the said strip of land between the said Kingfield Farm House and Elm Bridge Lane or over so much thereof as shall not in due course be incorporated into the intended widening of the said Lane and subject to the right of the persons last aforesaid to enter upon the said strip of land for the purpose of repairing the existing gate giving access to the garden of the said Kingfield Farm House

3. Subject as to the strip of land in the First Schedule thirdly hereinbefore referred to the right for the Vendors their successors in title and assigns their licencees and invitees and all persons authorised by them

(a) to go pass and repass for the purposes of ingress to and egress from their adjoining property with or without horses carts or carriages cars lorries bicycles or other vehicles over the said strip of land until the same be incorporated into Elm Bridge Lane and the free right of access to and over the proposed estate road on the line of the existing Elm Bridge Lane to and from that part of Ordnance Survey Enclosure No. 446 in the occupation of the Vendors

(b) with workmen and others to enter upon the said strip of land for the purpose of repairing the existing gate on the boundary of the said strip of land giving access to the adjoining property of the Vendors

(c) to the free and uninterrupted passage and running of water and soil gas and electricity current from and to the adjoining property of the Vendors through the sewers drains and water courses pipes wires and mains which are or may at any time hereafter be in or under the said strip of land or the road to be laid on the line of Elm Bridge Lane

(d) to connect up with such sewers drains and watercourses and for which purposes and for the purpose of examination maintenance and repair the free right of entry onto the said strip of land and the road to be laid on the line of the said Lane

THE THIRD SCHEDULE

Documents retained by the Vendors

30th June )  
3rd July ) 1942  
Redeclared  
9/10 October 1946

Statutory Declaration and Spencer Douglas Brown

27th June 1942

Conveyance

George Francis Pitt-Lewis  
Alma May Smallpeice (1)  
Alexander Victor Lee (2)

By a Conveyance between Working Men's Building Co. French and Jnr property known as the said No. 446 in the Conveyance by a Transfer between Wotki Ltd. to the Vendors and known as the other part Elizabeth Way and their right to acknowledged by a Conveyance signed by the Vendors

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26th October 1945	Conveyance	Alexander Victor Lee Harold Frank Bowley Isabel Doreen Bowley	(1) (2)
26th October 1945	Mortgage	Harold Frank Bowley Isabel Doreen Bowley Harry Caddick	(1) (2)
29th May 1947	Statutory Receipt endorsed on mortgage dated 26th October 1945.		
2nd April 1947	Conveyance	Harold Frank Bowley Isabel Doreen Bowley Harry Caddick A.S.J. Simmons Ltd.	(1) (2) (3)

THE COMMON SEAL of the said  
A.S.J. SIMMONS LIMITED was  
herewith affixed in the  
presence of

*A.S.J. Simmons*  
Directors  
*F.D. ...*  
Secretary

THE COMMON SEAL of the  
URBAN DISTRICT COUNCIL OF  
WOKING was herewith  
affixed in the presence of

*Harold C. Barrett*  
Chairman of the Council  
*B. ...*  
Clerk of the Council

By a conveyance dated the 1st June 1978 and made  
between Woking Borough Council (the successors in  
title to the Urban District Council of Woking) of the one  
part and Sarah Elizabeth Wray of the other part the  
property known as 25 57 Elmwood was conveyed to  
Sarah Elizabeth Wray and this conveyance was  
acknowledged.

By a conveyance dated 7 January 1980 No 24/1980  
Sarah Elizabeth Wray and Harry Kingfield were conveyed to Woking  
Borough Council and this conveyance was  
acknowledged.

By a conveyance dated the 14 June 1977  
and made between Woking Borough Council (the  
successors in title to Woking Urban District  
Council) of the one part and Mr & Mrs Rachel  
Elizabeth Wray of the other part the property known as  
25 57 Elmwood was conveyed to the said  
Mr & Mrs Rachel Elizabeth Wray and this conveyance was  
acknowledged.

MEMORANDUM

By a conveyance dated 14 October 1979  
and made between J. H. GEE of the one part  
and Woking Borough Council of the other part the  
property known as 25 57 Elmwood was conveyed to  
the said J. H. GEE and his right to possession of  
the within-subject was acknowledged.

By a conveyance dated 3 December 1979  
No 53 Queen Elizabeth Wray Kingfield  
was conveyed to Harry Kingfield and  
Cora Lily Wray in fee simple.

By a Transfer dated 5  
November 1979 the property  
known as 25 Queen Elizabeth  
Wray Kingfield was  
transferred to Raymond  
Appleby & Barbara Appleby in  
fee simple.

By a Transfer dated 5 November  
1979 the property known as 42  
Queen Elizabeth Wray Kingfield  
was conveyed to Alan  
Duncan Foster & Joan Doreen  
Foster in fee simple.

By a conveyance dated  
12 November 1979 43 Elmwood  
was conveyed to Woking  
Borough Council and this  
conveyance was acknowledged.

By a conveyance dated 14 February 1980 79 Queen Elizabeth Wray Kingfield was conveyed to John  
Harold Frank Bowley and Isabel Doreen Bowley in fee simple  
By a conveyance dated 11 February 1980 61 Queen Elizabeth Wray Kingfield was conveyed to  
Woking Borough Council in fee simple  
By a conveyance dated 11 February 1980 58 Queen Elizabeth Wray Kingfield was conveyed to  
Woking Borough Council in fee simple  
By a conveyance dated 11 February 1980 55 Queen Elizabeth Wray Kingfield was conveyed to  
Woking Borough Council in fee simple  
By a conveyance dated 4 February 1980 26 Queen Elizabeth Wray Kingfield was conveyed to John  
Harold Frank Bowley and Isabel Doreen Bowley in fee simple  
By a conveyance dated 23 January 1980 29 Queen Elizabeth Wray Kingfield was conveyed to John  
Harold Frank Bowley and Isabel Doreen Bowley in fee simple  
By a conveyance dated 21 January 1980 49 Queen Elizabeth Wray Kingfield was conveyed to  
Woking Borough Council in fee simple  
By a conveyance dated 14 January 1980 49 Queen Elizabeth Wray Kingfield was conveyed to  
Woking Borough Council in fee simple  
By a conveyance dated 14 January 1980 16 Queen Elizabeth Wray Kingfield was conveyed to  
Woking Borough Council in fee simple  
By a conveyance dated 14 January 1980 16 Queen Elizabeth Wray Kingfield was conveyed to  
Woking Borough Council in fee simple

to be  
 By a conveyance  
 Henry Baker  
 by a conveyance  
 Frances and  
 Thomas Baker  
 to the said Mrs D.R. Rivers and her right to  
 production of the within written conveyance.

MEMORANDUM By a transfer dated 15<sup>th</sup> Feb  
 1976 and made between Desmond John Carter of the  
 one part and Womers B.C. of the other part the  
 property known as 41 Queen Elizabeth Way was  
 transferred to the said D.J. Carter and his right  
 to the production of the within conveyance was acknowledged.

MEMORANDUM. By a transfer pursuant to Rule 72  
 dated the 20<sup>th</sup> day of August 1974 and made between Working  
 Borough Council as lessor to Working UDC of the one  
 part and HAROLD WILLIAM TIDY and FRANCES MURIEL TIDY  
 of the other part the property known as 23 Queen Elizabeth  
 Way Kingfield was transferred to the said Harold W. UDC.  
 Tidy and their right to the production of the within  
 written conveyance was acknowledged.

Memorandum By a Conveyance  
 dated the 26<sup>th</sup> of November 1976  
 and made between Working Borough  
 Council of the one part and John  
 Park and Bertram Maud Park  
 of the other part the property  
 known as 31 Queen Elizabeth Way  
 Kingfield was conveyed to the  
 said John Park and Bertram Maud  
 Park and their right to  
 production of the within  
 written conveyance.



Freehold property situated at 41  
 Bidder Lane, Lodge, Surrey.

CONVEYANCE

WORKING GREAT DISTRICT COUNCIL

A. T. SIMMONS LTD.

Dated 12/11/76 1976

MEMORANDUM By a Conveyance dated the twelfth  
 day of June 1973 and made between the Urban  
 District Council of Working of the one part and  
 Mr & Mrs B.F. Smithers of the other part the property  
 known as 55 Queen Elizabeth Way was  
 conveyed to the said Mr & Mrs B.F. Smithers  
 and their right to production of the within written  
 conveyance was acknowledged.

MEMORANDUM By a conveyance dated the 27<sup>th</sup> day  
 of June 1953 and made between the within-named  
 Urban District Council of Working of the one part and  
 the South Eastern Electricity Board of the other part a  
 small piece of adverse Easement No 436 was  
 conveyed to the Board as for simple as a  
 site for an electricity sub-station and an  
 acknowledgment of the Board's right to  
 the production thereof and an undertaking  
 for the safe custody upon given.

Two plots for public house at 5 Surrey CE 15<sup>th</sup> June 1973.

By a conveyance made on the 8<sup>th</sup> day of October 1951 Between  
 the within named Urban District Council Working 1 and  
 Malcolm Alexander Campbell 2) part of the land in the within  
 conveyance having a route the South side of the Bridge name  
 formerly known as Sinkers Lane and having a maximum  
 depth therefrom of 15 widest point of approx in all by right and pursuant  
 to Clause 2 1) the within written conveyance on the 8<sup>th</sup> October 1951  
 conveyed to the said Malcolm Alexander Campbell and his  
 usual administrators and assigns the said land.

10

By a Transfer dated 22 August 1983 63 Elmridge Lane Kingfield Working was transferred to Margie Daphne Ann Koulstone Susan Marie Koulstone and David Stephen Cronin in fee simple

By a Transfer dated 22 August 1983 79 Elmridge Lane Kingfield Working was transferred to Leonard Blay and Patricia Ann Blay in fee simple

By a Transfer dated 5 September 1983 17 Elmridge Lane Kingfield Working was transferred to Betty Florence May Stevens in fee simple

By a Transfer dated 14 November 1983 20 Queen Elizabeth Way Kingfield Working was transferred to Ronald William Charles Chaffey and Margaret Mary Chaffey in fee simple

By a Transfer dated 12 December 1983 135 Queen Elizabeth Way Kingfield Working was transferred to Clifford Joseph Hanchin Marian Margaret Hanchin and Robert Stanley Hanchin in fee simple

By a Transfer dated 9 January 1984 35 Queen Elizabeth Way Kingfield Working was transferred to Stanley Robert Freeland and Clara Agnes Freeland in fee simple

By a Transfer dated 30 January 1984 74 Queen Elizabeth Way Kingfield Working was transferred to the Lord and Rosemarie Wood in fee simple

By a Transfer dated 27 February 1984 117 Queen Elizabeth Way Kingfield Working was transferred to Antonio Gontar and Juan Gontar in fee simple

By a Transfer dated 27 February 1984 69 Elmridge Lane Kingfield Working was transferred to Bettine Bernice Foster and Nigel Ian Foster in fee simple

By a Transfer dated 19 March 1984 69 Queen Elizabeth Way Kingfield Working was transferred to Sybil Irene Raymond and David Michael Raymond in fee simple

By a Transfer dated 14 May 1984 113 Queen Elizabeth Way Kingfield Working Survey was transferred to Nigel Lawrence Scrutton and Pauline Constance Scrutton in fee simple

By a Transfer dated 19 June 1984 49 Queen Elizabeth Way Kingfield Working Survey was transferred to John Thomas Roberts Maud Lilian Roberts and Ann Marie Roberts in fee simple

By a Transfer dated 25 March 1985 11 Queen Elizabeth Way Kingfield Working was transferred to Francis Albert Williams and Kathleen Mollie Williams in fee simple

By Transfer dated 15 April 1985 21 Queen Elizabeth Way Kingfield Working was transferred to Reginald Leslie Mattingley in fee simple

By a Transfer dated 8 July 1985 27 Queen Elizabeth Way Kingfield Working was transferred to Stanley George Tucker and Monica Eileen Tucker in fee simple

By a Transfer dated 12 August 1985 90 Queen Elizabeth Way Kingfield Working was transferred to Robert William Sage and Keith John Sage in fee simple

By a Transfer dated 9 September 1985 65 Elmridge Lane Kingfield Working was transferred to Kenneth Charles Allison and Lillian Beryl Allison in fee simple

By a Transfer dated 7 October 1985 51 Queen Elizabeth Way Kingfield Working was transferred to Dudley William Foster in fee simple

By a Transfer dated 7 October 1985 23 Elmridge Lane Kingfield Working was transferred to Albert John Hall and Gwenethlene Gertrude Hall in fee simple

By a Transfer dated 15 November 1985 61 Elmridge Lane Kingfield Working was transferred to Patricia Ann Stone, Julie Diane Wapley and Kenneth George Wapley in fee simple

By a Transfer dated 9 December 1985 25 Queen Elizabeth Way Kingfield Working was transferred to Janet Constance Wilkes and Lillian Violet Wilkes in fee simple

By a Transfer dated 16 December 1985 63 Queen Elizabeth Way Kingfield Working was transferred to Kenneth William Cabon and Evelyn Cabon in fee simple

By a Transfer dated 27 January 1986 29 Elmridge Lane Kingfield Working was transferred to Daisy Elizabeth Beveridge Reginald Wacker and Maureen Wacker in fee simple

By Transfer dated 10 February 1986 45 Elmridge Lane Kingfield Working was transferred to Donald Jack Pitcher Kathleen Leila Pitcher and Anthony John Pitcher in fee simple

By a Transfer dated 24 February 1986 53 Queen Elizabeth Way Kingfield Working was transferred to Lucien Edmund Wight and Evelyn Gertrude Wight in fee simple

By a Transfer dated 28 April 1986 131 Queen Elizabeth Way Kingfield Working was transferred to Crimped Bellblone in fee simple

By a Transfer dated 2 June 1986 72 Elmridge Lane Kingfield Working was transferred to Kathleen Veronica Hogan Gerard Patrick Hogan and John Joseph Hogan in fee simple

By a Transfer dated 2 June 1986 30 Queen Elizabeth Way Kingfield Working was transferred to James Thomas Linnett Dorothy Emily Blund Linnett and Kenneth James Ross Linnett in fee simple

By a Transfer dated 8 December 1986 66 Queen Elizabeth Way Kingfield Working was transferred to Janet Brannon and Donovan Charles Brannon in fee simple

By a Transfer dated 12 January 1987 32 Queen Elizabeth Way Kingfield Working was transferred to Daisy Winifred Entwistle in fee simple

By a Transfer dated 19 February 1987 139 Queen Elizabeth Way Kingfield Working was transferred to Edward Woodroffe Fice and Jean Mary Fice in fee simple

By a Transfer dated 12 October 1987 18 Queen Elizabeth Way Kingfield Working was transferred to Christopher Royston Murrells and Julie Ann Murrells in fee simple

By a Transfer dated 10 October 1988 57 Queen Elizabeth Way Kingfield Working was transferred to Grace Edmund Edward and Lily May Edwards in fee simple

By a Transfer dated 31 October 1988 115 Queen Elizabeth Way Kingfield Working was transferred to William Albert Oliver Rosine June Oliver and Valerie Elizabeth Oliver in fee simple

By a Transfer dated 6 March 1989 129 Queen Elizabeth Way Kingfield Working was transferred to Richard John Wells and Lorraine Denise Wells in fee simple

By a Transfer dated 9th April 1990 54 Queen Elizabeth Way Kingfield Working was transferred to Shirley Anne Frost and Karoll Anne Frost in fee simple



7

By a Transfer dated 25<sup>th</sup> February 1980 86 Queen Elizabeth Way Kingfield working was conveyed to George Anthony Burt and Evelyn Mary Burt in fee simple

By a conveyance dated 10 March 1980 101 Queen Elizabeth Way Kingfield working was conveyed to Robert Emmett and Doris Etal Emmett in fee simple

By a conveyance dated 17 March 1980 78 Queen Elizabeth Way Kingfield working was conveyed to Michael Edward Bost and Jeanette Bost in fee simple

By a Transfer dated 12 May 1980 75 Queen Elizabeth Way Kingfield working was transferred to Reginald Bolwell and June Margaret Bolwell in fee simple

By a Transfer dated 12 May 1980 55 Elmridge Lane Kingfield working was transferred to Beryl Shield Spiller and Henry Edward Spiller in fee simple

By a Transfer dated 19 May 1980 59 Elmridge Lane Kingfield working was transferred to Nancy McGoynle David Michael Moss and Janis Phylomena Moss in fee simple

By a Conveyance dated 7 May 1980 53 Elmridge Lane Kingfield working was conveyed to Gordon Murrills Diane Murrills and Glen Murrills in fee simple

By a Conveyance dated the 21<sup>st</sup> July 1980 25 Elmbridge Lane Kingfield was conveyed to Mary Cathy Patrick John Cathy and Roseana Cathy in fee simple

By a Transfer dated 15 September 1980 77 Queen Elizabeth Way Kingfield working was transferred to Robert Charles Cobbett and Evelyn Maud Cobbett in fee simple

By a Transfer dated 22<sup>nd</sup> September 1980 15 Elmridge Lane Kingfield working was transferred to Hilda Veronica Manners in fee simple

By a conveyance dated 10 November 1980 137 Queen Elizabeth Way working was conveyed to Ernest Boyes Daphne Boyes and Allan Boyes in fee simple

By a Conveyance dated 29 June 1981 127 Queen Elizabeth Way working was conveyed to Harry Arthur Woodhead and Vera Woodhead in fee simple

By a Conveyance dated 6 July 1981 31 Queen Elizabeth Way working was conveyed to Michael Francis Rawell and Joan Veronica Rawell in fee simple

By a conveyance dated 14 September 1981 105 Queen Elizabeth Way working was conveyed to Frederick John Keefe and Myrtle Una Catherine Keefe in fee simple

By a conveyance dated 28 September 1981 60 Queen Elizabeth Way Kingfield working was conveyed to Keith Reginald Keefe and Barbara Rosa Keefe in fee simple

By a conveyance dated 9 November 1981 31 Elmridge Lane Kingfield working was conveyed to Dennis Thomas Conco and Frances Corrine Conco in fee simple

By a transfer dated 7 December 1981 41 Elmridge Lane Kingfield working was transferred to Albert William Hogan and Vera Ethel Hogan in fee simple

By a Conveyance dated 11 January 1982 56 Queen Elizabeth Way Kingfield working was conveyed to Andrew Pearson Peterson and John Nelson Peterson in fee simple

By a Transfer dated 8 February 1982 94 Queen Elizabeth Way Kingfield working was transferred to Frederick Charles Mould and Barbara Mould in fee simple

By a transfer dated 5 April 1982 97 Queen Elizabeth Way Kingfield working was transferred to Charles Radcliffe and Patricia Kathleen Radcliffe in fee simple

By a conveyance dated 14 June 1982 64 Queen Elizabeth Way Kingfield working was transferred to William Arthur McNulty Paul McNulty and Anne Stephanie Ralston in fee simple

By a Transfer dated 11 October 1982 39 Queen Elizabeth Way Kingfield working was transferred to Norman Edward Ansell and Joan Margaret Ansell in fee simple

By a Transfer dated 11 October 1982 35 Elmridge Lane Kingfield working was transferred to Stanley John Nicholson Blanche Nicholson Myra Ruth Leonard and Peter Clayton Leonard in fee simple

By a transfer dated 18 October 1982 15 Queen Elizabeth Way Kingfield working was transferred to Alan John Dixon and Arada May Dixon in fee simple

By a Transfer dated 15 October 1982 71 Queen Elizabeth Way Kingfield working was transferred to Brian Henry Barber and Anne Florence Barber in fee simple

By a transfer dated 8 November 1982 40 Queen Elizabeth Way Kingfield working was transferred to Stephen William Askin and Sally Ann Askin in fee simple

By a Transfer dated 22<sup>nd</sup> November 1982 133 Queen Elizabeth Way Kingfield working was transferred to George William Basecombe and Audrey Violet (Mabel) Basecombe in fee simple

By a transfer dated 13 December 1982 39 Elmridge Lane Kingfield working was transferred to Gerald Gill and Vanessa Antalfi in fee simple

By a transfer dated 20 December 1982 34 Queen Elizabeth Way Kingfield working was transferred to Bartholomew Wells and Joy Margaret Wells in fee simple

By a transfer dated 10 January 1983 123 Queen Elizabeth Way Kingfield working was transferred to Robert Sinclair Burt and Dora Burt in fee simple

By a transfer dated 31 January 1983 59 Queen Elizabeth Way Kingfield working was transferred to Olive Mary Kody in fee simple

By a transfer dated 14 March 1983 14 Elmridge Lane Kingfield working was transferred to Jack Arthur Bunn and Anthony Bunn in fee simple

By a transfer dated 16 May 1983 47 Queen Elizabeth Way Kingfield working was transferred to Robert Henry Barber and Margaret Thelma Barber in fee simple

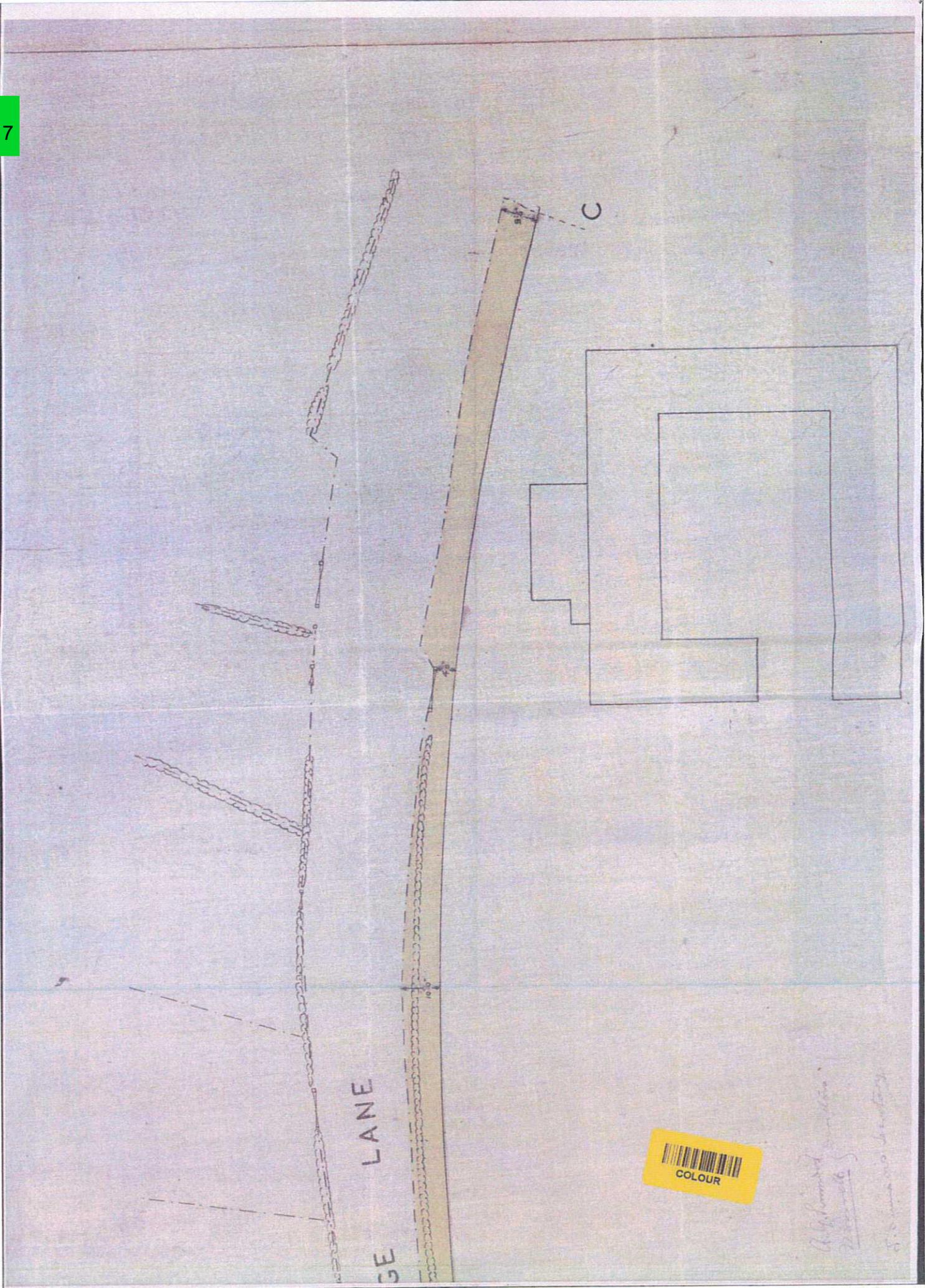
By a transfer dated 6 June 1983 91 Queen Elizabeth Way Kingfield working was transferred to E P Lewis and Max Marie Emily Lewis in fee simple

By a transfer dated 1 August 1983 37 Elmridge Lane Kingfield working was transferred to Alice Carmel Barron and Carol Ann John in fee simple

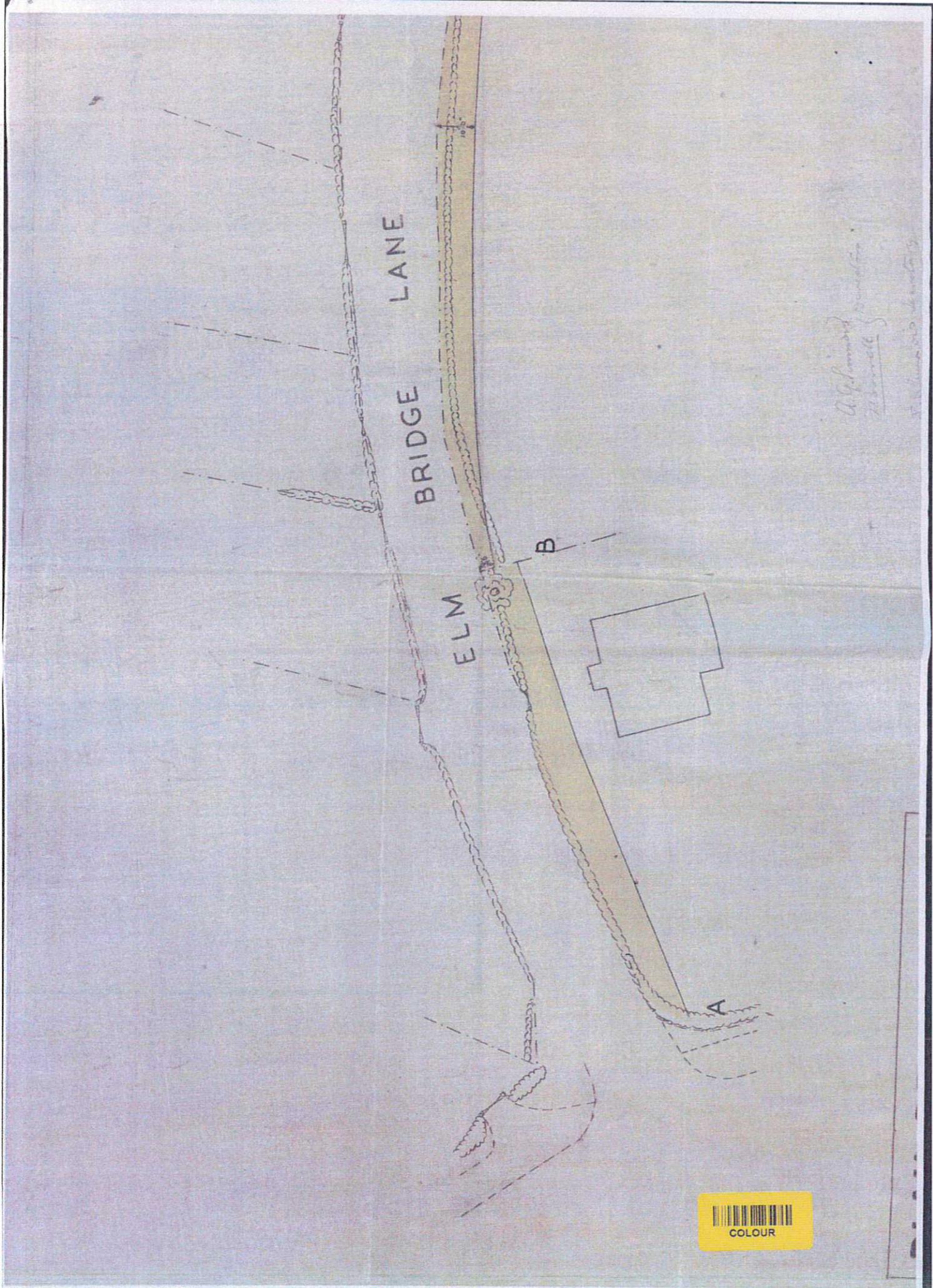
7



Property known as 10 Queen Elizabeth Way Kingfield transferred to the said Mrs M. J. Barron and Carol Ann John in fee simple



*Alphington Junction*  
*2/1/2016*  
*P. S. ...*





STATUTORY DECLARATION IN SUPPORT OF AN OBJECTION

EXHIBIT D

This is the Exhibit marked "Exhibit D" referred to in the Statutory Declaration of

Vanessa Tabner

DECLARED by  )  
at )  
this 3rd day of December 2021 )

*V. Tabner*

Before me,

A Solicitor empowered to administer Oaths

Bronwyn White  
Solicitor  
Mackrell Turner Garrett (Surrey) Limited  
1st Floor Technology House  
48-54 Goldsworth Road, Woking  
Surrey, GU21 6LE, UK



Ref. L.P.3/No. 3991

COUNTY OF SURREY.

.....Woking..... Borough  
Urban District } Council  
Municipalities )

TOWN AND COUNTRY PLANNING ACT, 1947.

To Messrs. A. G. J. Saxons Ltd., Elm Bridge Estate Office, Old Woking, Surrey

The... Woking Urban District... Council acting on behalf of the Surrey County Council as Local Planning Authority under and in pursuance of delegated functions and of the provisions of Part III of the Town and Country Planning Act, 1947, DO HEREBY signify in writing their ~~approval~~/approval, subject to the conditions (if any) specified in the Second Schedule hereto, of the application for permission for the development specified in the First Schedule hereto deposited by you on the 16th July, 1948.

FIRST SCHEDULE.

The layout of streets, open spaces and building plots to the North and South of Elm Bridge Lane as shown on the plan attached to the application and numbered WITH 103 of 1948

SECOND SCHEDULE.

1. No variations from the deposited plans and particulars will be permitted unless previously authorised by the Local Authority.
2. Before the development is commenced plans of the structural details of the proposed development shall be submitted to the Planning Authority and development shall not be commenced until such plans have been approved by the Planning Authority.

The reasons for the decision of the Council ~~to refuse permission~~ to grant permission for development subject to compliance with the conditions specified in the Second Schedule hereto are:-

- (1) To ensure that the proposed development shall not conflict with the proposals of the Planning Authority.
- (2) To protect the amenities of the neighbourhood.

Dated this.....16th.....day of....July.....1948.

..... Clerk..... of the Council.  
*B. [Signature]*  
duly authorised in this behalf.

Any approval given herein relates only to development under the Town and Country Planning Act, 1947. Consent under the bylaws also may be necessary and application must be made to the Central Land Board for the determination by the Board of the amount (if any) of the development charge payable which must be paid or secured to the satisfaction of the Board before development is commenced.

(See note overleaf).

*Does in 1937.*

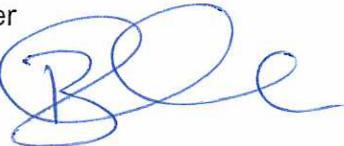


STATUTORY DECLARATION IN SUPPORT OF AN OBJECTION

EXHIBIT E

This is the Exhibit marked "Exhibit E" referred to in the Statutory Declaration of

Vanessa Tabner

DECLARED by  )  
at )  
this 3<sup>rd</sup> day of December 2021 )

*V. Tabner*

Before me,

A Solicitor empowered to administer Oaths

Bronwyn White  
Solicitor  
Mackrell Turner Garrett (Surrey) Limited  
1st Floor Technology House  
48-54 Goldsworth Road, Woking  
Surrey, GU21 6LE, UK



12  
(WDC)

REC'D PLNG. SER. 18850

COUNTY OF SURREY  
SURREY COUNTY COUNCIL

TOWN AND COUNTRY PLANNING ACT, 1962

To The Mayor, Woking Urban District Council

The Surrey County Council as Local Planning Authority under the provisions of Part III of the Town and Country Planning Act, 1962, DO HEREBY

GRANT permission for the development specified in the First Schedule hereto subject to the conditions specified in the Second Schedule hereto.  
~~REFUSE permission for the development specified in the First Schedule hereto.~~

FIRST SCHEDULE

The development specified in the application for planning permission dated 9.12.64, namely:—

The construction of rear access roads to serve 75 Council houses at Elbridge Estate, Woking, as described in Application No. WOK.18850.

SECOND SCHEDULE

TOWN PLANNING OFFICE  
ACKNOWLEDGED AND REGISTERED  
25 FEB 1965  
REGISTERED ONLY  
NO ACKNOWLEDGMENT SENT

WOKING URBAN DISTRICT COUNCIL  
Engineer & Surveyor's Office  
REC'D 25 FEB 1965  
Act'd  
As'd  
Ref'd to  
Comm'd

The reasons for the decision of the Council to refuse permission for the development specified in the First Schedule or to grant such permission subject to the conditions specified in the Second Schedule are:

*Copy to all Registers etc*

day of February, 19 65

Clerk of the Council  
only authorized to this behalf

Any approval given herein relates only to development under the Town & Country Planning Act. Consent under the byelaws also may be necessary.



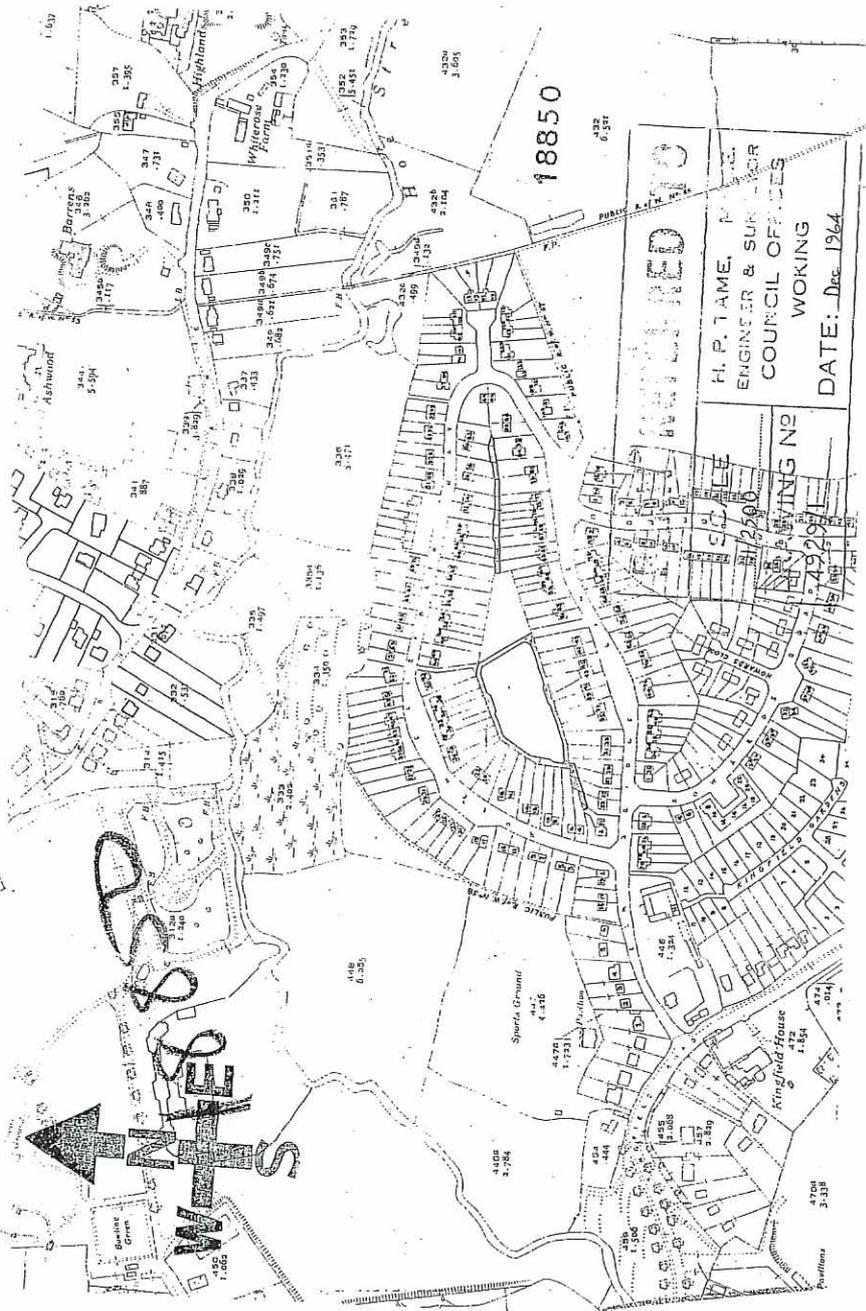
5-19840  
W.S.D.C.  
(Housing  
Committee)

The provision of rear  
access roads at QUEEN  
ELIZABETH WAY & ELBRIDGE  
LANE, WOKING.

At rear of properties in Queen Elizabeth Way and  
Elbridge Lane.  
Highways and Works Committee analogous to L.C.C.  
case . at Sheerwater recently discussed.

That the application be  
supported.

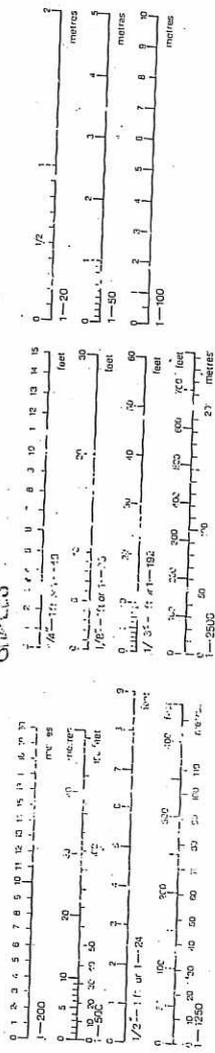




18850

H. P. TAME, M.C.E.  
 ENGINEER & SURVEYOR  
 COUNCIL OFFICES  
 WOKING  
 DATE: Dec 1964

SCALES









**From:** [Robert Shatwell](#)  
**To:** [vanessa.tabner@woking.gov.uk](mailto:vanessa.tabner@woking.gov.uk)  
**Cc:** [Amanda Francis](#); [Catherine Valiant](#)  
**Subject:** Elmbridge recreation Ground  
**Date:** 10 December 2021 22:20:38

---

**Caution:** This email originated from outside Surrey County Council.  
Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Ms Tabner

I am in receipt of copy of your sworn statement of evidence in respect to the council's objection to having the land redesignated as a local village green.

- a. There is no question as to the lawful ownership of the land.
- b. All planning applications granted, both in 1948 and 1965 were in respect to housing in Elmbridge Lane and Queen Elizabeth Way. These planning consents have been fulfilled and should any other planning be considered it would require a further planning consent. No application has been made for further development.
- c. Whilst you state, in para 11, that residents have a statutory right to access the land you do not state what statutory right there is. In order for there to be a statutory right there is required to be a statute in law laying down exactly what rights apply and to whom. For example for me to graze cattle on this land then I would need to be served with notice that under sec ??? of Act??? You Robert Shatwell of ..... address, are hereby permitted to graze a maximum of 10 beef cattle on land known as Elmbridge Common, for a period of X years. This notice is required to be attached to the land and served on all persons having need of it, i.e. the residents. This has never been done therefore I submit that the residents have been using this land "as of right". This is not shown in any part of the documents submitted by you, on behalf of Woking Borough Council and as such I have made representation to Surrey County Council.

As landowners Woking Borough Council could avoid any unpleasantness by voluntarily agreeing to have this land redesignated as local village green. WBC would continue to own the land and have all rights of ownership. By having the land redesignated as a Local Village Green it would render protection as a green open space. This could then be used for the benefit of the local residents.

Yours faithfully

Robert Shatwell

Sent from [Mail](#) for Windows

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**To:** Planning & Regulatory Committee

**Date:** 29 June 2022

**By:** Planning Group Manager

**District(s)** Waverley Borough Council

**Electoral Division(s):**  
Waverley Eastern Villages  
Mr Deanus

**Case Officer:**  
David Maxwell

**Purpose:** For Information

**Grid Ref:** 501773 137324

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**Title: Minerals/Waste Application WA/2019/0796**

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**

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**SUMMARY REPORT**

On 27 November 2020, the Planning and Regulatory Committee refused planning application Ref. WA/2019/0796 for the *construction, operation and decommissioning of a well site for the exploration and appraisal of hydrocarbon minerals from one exploratory borehole (Loxley-1) and one side-track borehole (Loxley - 1z) for a temporary period of three years involving the siting of plant and equipment, the construction of a new access track, a new highway junction with High Loxley Road, highway improvements at the junction of High Loxley Road and Dunsfold Road and the erection of a boundary fence and entrance gates with restoration to agriculture.*

This report provides details of the outcome of a recovered appeal against that decision and an associated application for partial costs.

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**RECOMMENDATION**

**It is recommended that the Committee notes the result and outcomes of the appeal and associated application for partial costs made by UKOG (234) Ltd against the decision of Surrey County Council not to grant planning permission Ref. WA/2019/0796 on 27 November 2020.**

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**Appeal details**

**Appellant**

UKOG (234) Ltd

**Appeal start date**

1 March 2021

## Appeal procedure

Public inquiry held between 27 July and 13 August 2021.

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### Illustrative material

Site Plan

Plan 1

Aerial Photographs

Aerial 1 and 2

Site Photographs

Figures 1 to 16

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### APPEAL CONTEXT

1. Planning application ref. WA/2019/0796 was considered at Planning and Regulatory Committee on 27<sup>th</sup> November 2020. The application proposed: *The construction, operation and decommissioning of a well site for the exploration and appraisal of hydrocarbon minerals from one exploratory borehole (Loxley-1) and one side - track borehole (Loxley - 1z) for a temporary period of three years involving the siting of plant and equipment, the construction of a new access track, a new highway junction with High Loxley Road, highway improvements at the junction of High Loxley Road and Dunsfold Road and the erection of a boundary fence and entrance gates with restoration to agriculture.*

2. The Officer's recommendation to the Committee was that the application be permitted subject to conditions. Following the debate at the meeting, a motion to refuse the planning application was supported by a majority of Committee Members and the Committee resolved to refuse the planning application for the following reasons:

Reason 1: *It has not been demonstrated that the highway network is of an appropriate standard for use by the traffic generated by the development, or that the traffic generated by the development would not have a significant adverse impact on highway safety contrary to Surrey Minerals Plan Core Strategy 2011 Policy MC15.*

Reason 2: *It has not been demonstrated that the applicant has provided information sufficient for the mineral planning authority to be satisfied that there would be no significant adverse impact on the appearance, quality and character of the landscape and any features that contribute towards its distinctiveness, including its designation as an Area of Great Landscape Value, contrary to Surrey Minerals Plan Core Strategy 2011 Policy MC14(iii).*

3. The application was then refused by notice dated 15<sup>th</sup> December 2020. The applicant, UKOG (234) Ltd, appealed to the Planning Inspectorate under section 78 of the Town and County Planning Act 1990 in February 2021 and made a claim for partial costs against the County Council on the basis that the highways evidence advanced in support of the first reason for refusal was considered weak.

### BACKGROUND

4. The appeal site is located in a rural landscape approximately one mile north-east of the village of Dunsfold and half-a-mile north of Dunsfold Park in an area known as Loxhill. It extends to an area of 2.3 hectares and comprises worked agricultural fields situated in rolling countryside. The proposed well site compound would be situated to the south and west of four established woodland blocks, three of which are the subject of a clear-fell license granted to the Hascombe Estate by the Forestry Commission.
5. The site is situated in Countryside beyond the Green Belt and is designated as an Area of Great Landscape Value (AGLV). The boundary with the Surrey Hills Area of Outstanding Natural Beauty (AONB) lies approximately 530 metres to the north of the well site compound. There are three residential properties lying in extensive grounds located to the north, south and south-west of the proposed well site compound, the nearest of which is Thatched House Farm located approximately 330 metres to the north of the centre of the compound. These three properties contain a total of seven Grade II listed buildings between them. Thatched House Farm and High Billingham Farm to the south also accommodate established local businesses including sheep and organic pig farming, a craft brewery and an annual cancer festival at the former and an events venue hosting up to 50 events annually at the latter.
6. Lydia Park and New Acres are situated around 485 metres east of the centre of the well site compound and comprise a traveller site and mobile home park off Stovolds Hill. A further 4 applications have been permitted by Waverley Borough Council for gypsy and traveller accommodation on land to the north and west of Lydia Park, the closest being 420 metres to the north-east.
7. The proposed development is concerned with the exploration and appraisal stages of hydrocarbon development using conventional methods and does not involve hydraulic fracturing. It involves the drilling of a new well (Loxley-1) and one side-track well (Loxley-1z) for the exploration and appraisal of oil and gas for a temporary period of 3 years with restoration to agriculture. The primary target for exploration is gas from the Portland Sandstone Formation within the Godley Bridge Gas Discovery. The secondary target is oil from the deeper Kimmeridge Limestone Formation. The proposal will be carried out in 4 distinct phases.
8. Phase 1 (Access and Well Site Construction) would last for 14 weeks and include the construction of a new junction within High Loxley Road, the development of the well site compound with an impermeable membrane, the installation of a new access track to connect the new junction with the well site compound and minor highway improvement works on High Loxley Road and at the junction of High Loxley Road and Dunsfold Road.
9. Phase 2 (Drilling, Testing and Appraisal) would last up to 60 weeks and include the mobilisation and demobilisation of surface plant and machinery, the drilling of the well and side-track well using a drilling rig up to 38 metres in height, subsequent appraisal by initial short-term flow testing and extended well testing which is likely to involve the use of a crane when necessary up to 42 metres in height, and the potential deployment of a rig (up to 35 metres in height) or a coil tubing unit (up to 25 metres in height) to support any maintenance workover. Drilling, testing and appraisal represent a continuous process and involve 24 hour operations. The need for night time working will be minimised however where this cannot be avoided, operations are likely to be intermittent and of a temporary nature.
10. Phase 3 (Well Plugging, Abandonment and Decommissioning) would take place over a period of 5 weeks and include the removal of all surface equipment followed by the plugging and abandonment of the well.

11. Phase 4 (Site Restoration) would take 5 weeks and involving the restoration of the site to its original use subject to a period of aftercare. If commercially exploitable reserves of hydrocarbons are found to be present, then restoration would be delayed pending the submission of a further planning application to retain the site to enable long term production to take place prior to the carrying out of restoration and aftercare. The site would be restored back to agriculture and include a legacy enhancement programme. This would include the replacement of trees and hedgerows removed during construction works, a programme to retain and protect existing trees and hedgerows and a timed programme for the planting of new trees and hedgerows and the creation of new biodiversity habitat. This would be designed to deliver biodiversity and wider environmental net-gain making use of native species and reflecting the historic use of the site as worked agriculture land and forestry.
12. The proposal would result in a maximum of up to 20 heavy goods vehicle (HGV) movements per day between 0700 and 1700 hours Monday to Thursday and 0900 to 1300 hours on Friday and Saturday. All lorry traffic will be routed via Dunsfold Road and the A281 to the east.

## **THE APPEAL**

13. A public inquiry was opened into the appeal against the County Council's decision by the Planning Inspector on 27<sup>th</sup> July 2021. It was held virtually and sat for a total of nine days. As Officers had recommended that the planning application be permitted, the County Council's witnesses were all external consultants.
14. On 5<sup>th</sup> January 2022, the appeal was recovered for determination by the Secretary of State for the Department for Levelling Up, Housing and Communities. As a result of this, the Inspector made recommendations in a report to the Secretary of State rather than determining the application himself.
15. On 7<sup>th</sup> June 2022, the County Council received notification that the Minister of State for Housing, on behalf of the Secretary of State for Levelling Up, Housing and Communities, had allowed the appeal and granted planning permission, subject to conditions. The Inspector had recommended that the appeal be allowed and the Minister of State for Housing, on behalf of the Secretary of State for Levelling Up, Housing and Communities, had agreed with this recommendation.

### **Highway Matters**

16. In respect of the first reason for refusal, the County Council's principal concerns related to the use of Dunsfold Road and its junction with High Loxley Road by HGVs, particularly impacts on highway safety when larger HGVs would need to manoeuvre on the highway to turn into High Loxley Road. The Inspector considered that this could be safely managed by way of the proposed traffic management scheme and would not have any significant adverse impacts on highway safety or the effective operation of the highway network.
17. The Secretary of State agreed with the Inspector that the proposed traffic management scheme had been shown to be acceptable in terms of highway safety and the local road network and that the proposal complied with Policy MC15 of the Surrey Minerals Plan 2011. He further agreed that the arrangements for site access and traffic generated by the development would not have any significant adverse impacts on highway safety or the effective operation of the highway network.

### **Landscape Character and Appearance**

18. In respect of the second reason for refusal, the County Council argued that the landscape, which was within the setting of the AONB and within an AGLV was a 'valued' landscape as defined in the National Planning Policy Framework (NPPF). The Inspector disagreed and, whilst acknowledging the value of the landscape to local residents, could not consider the landscape to be valued in NPPF terms. The Inspector did acknowledge however that there was harm to the landscape character, visual effects and tranquillity, contrary to Surrey Minerals Plan Policies MC14 and MC12.
19. The Secretary of State agreed with the Inspector's analysis that there would be significant levels of landscape and visual impacts from the proposal and that it did not comply with Policy MC14 of the Surrey Minerals Plan 2011 and policies in the Waverley Local Plan. These significant harms to the AONB and its setting, and the AGLV would not be permanent however and had to be weighed in the balance against the short-term nature of the proposals, the restoration scheme and the reversibility of the proposal; and in addition to the benefits of the scheme.

### **Impact on Local Residents and Businesses**

20. The Inspector also considered the effect of the proposals on the living conditions and local businesses, as did the Secretary of State. The Secretary of State agreed with the Inspector that while there would be some impact in terms of noise and visual intrusion, the noise could be controlled by condition and there would be moderate harm to the overall character and appearance of the area.

### **Other matters**

21. The Secretary of State considered several other matters addressed by the Inspector including downstream impacts, benefits, impacts on proposed residential development at Dunsfold Park and the nearby gypsy and traveller community, ecology, groundwater and air pollution, common land and the financial situation of the operator.

### **Planning Balance**

22. The Secretary of State accepted that the proposal was contrary policies MC12 and MC14 of the Surrey Minerals Plan 2011. He then considered whether there were other material considerations which indicated that the application should be determined not in accordance with the plan. The Secretary of State's findings are as follows:

*33. Weighing against the appeal are harm to the landscape character and appearance of the area, including degrading the qualities of the setting of the AONB and failure to demonstrate the site has been selected to minimise adverse impacts; and harm to local businesses. The Secretary of State affords these matters collectively moderate weight.*

*34. In favour of the appeal the Secretary of State affords the benefits of the gas exploration/appraisal phase great weight, and the economic benefits limited weight.*

*35. Overall, the Secretary of State considers that the material considerations in this case indicate a decision which is not in line with the development plan – i.e. a grant of permission.*

*36. The Secretary of State therefore concludes that the appeal should be allowed, and planning permission granted, subject to conditions.*

## **PARTIAL CLAIM FOR COSTS**

23. The applicant only sought to have their costs covered in respect of the first reason for refusal. This was largely on the basis that the Planning & Regulatory Committee came to a decision contrary to officers' advice without any technical evidence. They alleged that the highways evidence was weak with no technical reasons advanced, it was flawed and anecdotal. The County Council therefore behaved unreasonably.
24. The County Council disagreed. The Committee was entitled to come to a different view, particularly given the unusual nature of the highway arrangements, the views expressed were both reasonable and substantiated at the appeal. While the Inspector's own findings differed to those of the Council, he did not consider their approach was unreasonable.
25. The Secretary of State agreed with the Inspector that the County Council's approach was not unreasonable and therefore the application for the partial award of costs was refused.

---

## CONCLUSIONS:

26. The Secretary of State granted planning permission, but acknowledged the County Council's concerns in respect of landscape and visual appearance, with the main difference being the weight given to those concerns by the Inspector and the Secretary of State. Officers had come to a similar conclusion in the report to Committee. The weight to be given to different factors is a matter for the decision maker however so Members were entitled to come to a different view. The Secretary of State and the Inspector clearly disagreed with the County Council in respect of highways matters, however in not awarding costs on that point clearly felt that the Committee's concerns had some merit.

### Recommendation

**It is recommended that the Committee notes the result and outcomes of the appeal and associated application for partial costs made by UKOG (234) Ltd against the decision of Surrey County Council not to grant planning permission Ref. WA/2019/0796 on 27 November 2020.**

### Financial and value for money implications

None.

### Equalities and Diversity Implications

The decision being reported was taken by the Minister of State for Housing, on behalf of the Secretary of State for Levelling Up, Housing and Communities in accordance with Section 78 of the Town and Country Planning Act 1990.

### Risk Management Implications

None

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**Contact Caroline Smith or David Maxwell**

**Tel. no. 07968 832700 or 07814 284982**

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### **Background papers**

Appeal decision and costs decision both dated 7 June 2022 in relation to planning appeal ref: APP/B3600/W/21/3268579.

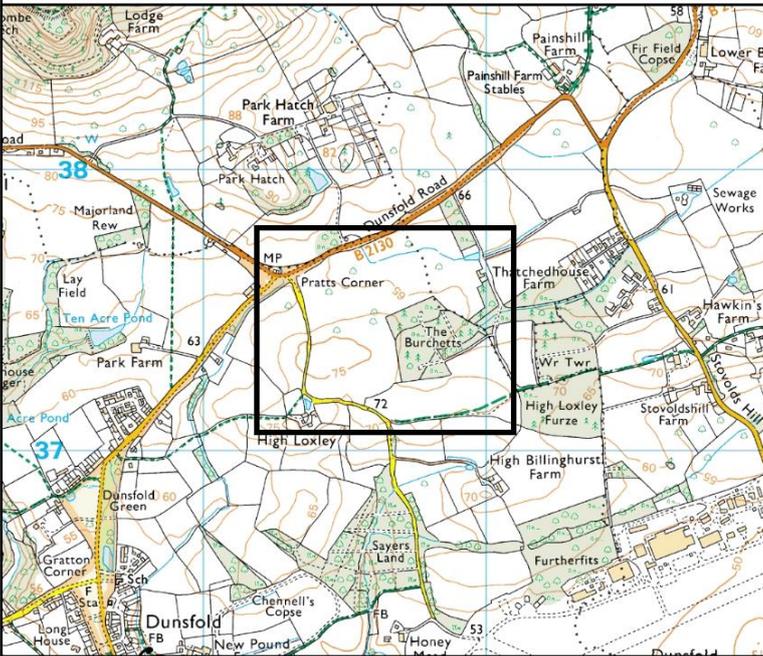
[Current minerals and waste planning appeals - Surrey County Council \(surreycc.gov.uk\)](https://www.surreycc.gov.uk)

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Site Location:

**Loxley Well Site - Land South of Dunsfold Road and East of High Loxley Road, Dunsfold, Surrey**



The construction, operation and decommissioning of a well site for the exploration and appraisal of hydrocarbon minerals from one exploratory borehole (Loxley-1) and one side-track borehole (Loxley - 1z) for a temporary period of three years involving the siting of plant and equipment, the construction of a new access track, a new highway junction with High Loxley Road, highway improvements at the junction of High Loxley Road and Dunsfold Road and the erection of a boundary fence and entrance gates with restoration to agriculture.

Application numbers:

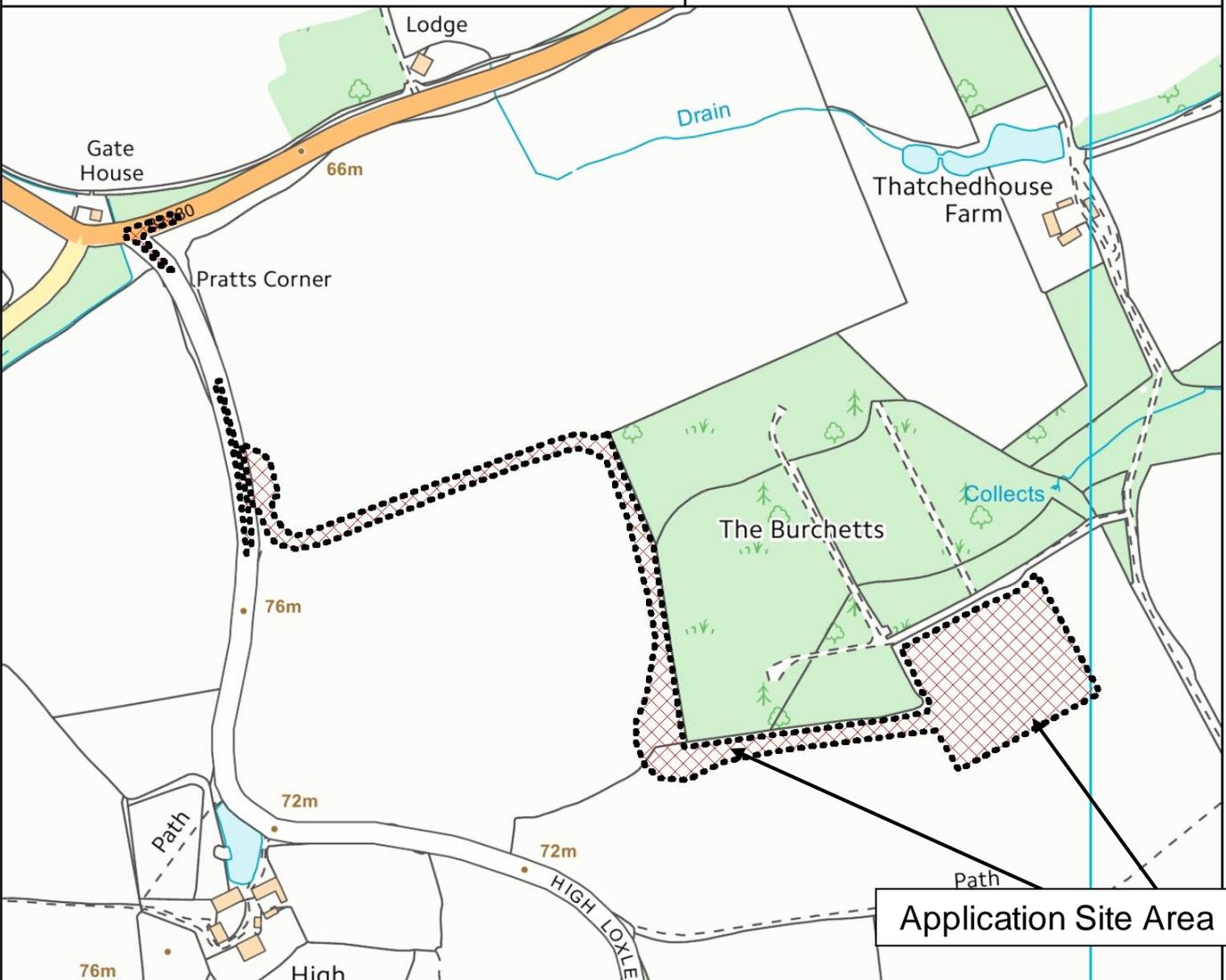
WA/2019/0796

Electoral divisions:

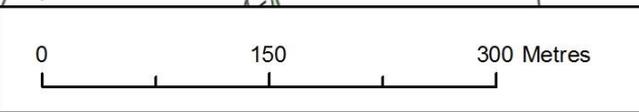
Waverley Eastern Villages

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Note: This plan is for indicative purposes only



Ref No:  
**SCC Ref 2019/0072**



Scale: **1:4720**  
Printed on: 18/12/2019

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# 2018 Aerial Photos

## Aerial 1 : Loxley Well Site, Dunsfold





# 2018 Aerial Photos

## Aerial 2 : Loxley Well Site, Dunsfold



Page 86

All boundaries are approximate

Figure 1: Well Site Host Field Looking North East





SURREY

Figure 2: Vehicular Entrance to Well Site Compound Looking North East



Figure 3: Western Boundary of Well Site Compound Looking South





SURREY

Figure 4: Western Boundary of Burchetts Woodland Block Looking North





Figure 5: View Looking East from High Loxley Road  
Along Route of Proposed New Access





SURREY



Figure 6: View Looking North Along Eastern Boundary of Well Site Host Field



Figure 7: View Looking West Along Northern Boundary of Well Site Host Field





SURREY

Figure 8: View Looking West Along Track  
to the North of the Well Site Compound Host Field



Figure 9: View Looking South from Southern Boundary of Well Site Host Field Towards High Billingham Farm





SURREY

Figure 10: View Looking South Along High Loxley Road  
with Site Entrance on the Left



Figure 11: View Looking East from High Loxley Road  
Towards Thatched House Farm





Figure 12: - View Looking North Along High Loxley Road  
from Proposed Entrance Point





Figure 13: View Looking West Towards Sharp Corner on Dunsfold Road from Junction with High Loxley Road





SURREY

Figure 14: View Looking East Along Dunsfold Road  
from Junction with High Loxley Road



Figure 15: View Looking South Towards High Loxley Road  
and its Junction with Dunsfold Road





SURREY



Figure 16: View Looking West Along Dunsfold Road with Vegetation Screening on the Left

