

## 10<sup>th</sup> DECEMBER 2024 PLANNING COMMITTEE

6a PLAN/2023/0866

WARD: Knaphill

LOCATION: Ringlestone Gate House, Warbury Lane, Knaphill, Woking, Surrey, GU21 2TX

PROPOSAL: Retrospective application for retention of a hay barn and fencing.

APPLICANT: Mrs Sandra Manton

OFFICER: Matthew Lambert

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### **REASON FOR REFERRAL TO COMMITTEE:**

The application cannot be determined under delegated authority by virtue of the area of the application site (4.23Ha) and is referred to Planning Committee.

### **SUMMARY OF PROPOSED DEVELOPMENT**

The proposal is for the retention of a hay barn and fencing (retrospective application).

### **PLANNING STATUS**

- Green Belt.
- Surface Water Flood Risk – Very High.
- Thames Basin Heaths Special Protection Area (TBH SPA) Zone B (400m-5km).

### **RECOMMENDATION**

GRANT planning permission subject to conditions.

### **SITE DESCRIPTION**

The application site comprises a large, mixed private/assisted livery equestrian centre, incorporating stabling, horse walker, polytunnels and associated grazing land enclosed by post and rail fencing. The site lies on the southern side of Warbury Lane, Knaphill, and is bordered by woodland boundaries on all sides. A sand school is positioned on the northern side of the collection of stable buildings and polytunnels. To the north of the site is a single storey residential dwelling. The site is within a relatively isolated rural area, which forms part of the Green Belt. It has a complex planning history as set out below, and in the 'Background' section below.

### **RELEVANT PLANNING HISTORY**

- PLAN/2023/0508 - Erection of a single storey side extension – Permitted 03.08.2023.
- PLAN/2022/0566 - Demolition of polytunnels and conversion of existing building into a residential dwelling, external alterations and formation of garden amenity area – Permitted subject to a legal agreement 18.05.2023.
- PLAN/2021/1094 - Conversion of an existing gymnasium room / games room / storage tack room / stables and garage outbuildings into a 3 bedroom residential dwelling. Part demolition of existing games room outbuilding to create an additional

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courtyard garden amenity area, insertion of rooflights and external alterations –  
Refused for the following reasons:

01. *The proposed development would not comprise the conversion or re-use of buildings and the proposed development would result in a new dwelling in the Green Belt which would have a significantly greater impact on the openness of the Green Belt compared to the existing development. The proposal therefore represents inappropriate development in the Green Belt which would be harmful by definition and would impact detrimentally on the openness of the Green Belt. No Very Special Circumstances exist which would clearly outweigh the harm caused to the Green Belt. The proposal would therefore be contrary to Woking Core Strategy (2012) policy CS6 'Green Belt', Woking Development Management Policies DPD (2016) policy DM13 'Buildings in and adjacent to the Green Belt', and the National Planning Policy Framework (2021).*
  02. *The proposed dwelling is in a surface water flood risk area and in the absence of an adequate Flood Risk Assessment, it has not been demonstrated that future occupiers of the proposed development would not be unduly impacted upon by surface water flooding or that the development would not exacerbate the existing risk from surface water flooding. The proposed development is therefore contrary to Woking Core Strategy (2012) policy CS9 'Flooding and water management' and the National Planning Policy Framework (2021).*
  03. *The proposed development, by reason of the proposed residential use and the associated resulting domestic character, paraphernalia and amenity space arrangements, would result in an incongruous and urbanising development which fails to respect the rural character of the area. The proposal would result in a significantly harmful impact on the character of the surrounding area and would therefore be contrary to Woking Core Strategy (2012) policies CS21 'Design' and CS24 'Woking's Landscape and Townscape', Supplementary Planning Document 'Design' (2015) and the National Planning Policy Framework (2021).*
  04. *The proposed development would fail to deliver a sufficient area of private amenity space suitable for family accommodation by reason of its disproportionately small size in relation to the dwelling, to the detriment of the amenities of future occupants of the development. The proposal is therefore contrary to Woking Core Strategy (2012) policy CS21 'Design', Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' (2008) and the National Planning Policy Framework (2021).*
  05. *In the absence of a Legal Agreement or other appropriate mechanism to secure contributions towards mitigation measures, it cannot be determined that the net additional dwelling arising from the proposed development would not have a significant impact on the Thames Basin Heaths Special Protection Area, contrary to Woking Core Strategy (2012) policy CS8 'Thames Basin Heaths Special Protection Areas', the Thames Basin Heaths Avoidance Strategy (2010 - 2015), saved policy NRM6 of the South East Plan (2009) and the Conservation of Habitats and Species Regulations 2017 (SI No. 490 - the "Habitats Regulations").*
- PLAN/2021/0223 - Replacement residential dwelling. Demolition of the existing residential dwelling after replacement dwelling is constructed – Permitted 19.05.2021

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- PLAN/2020/1132 - Replacement residential dwelling. Demolition of the existing residential dwelling after replacement dwelling is constructed – Refused 18.02.2021 for the following reasons:

*01. The proposed development would result in a replacement building in the Green Belt which would be materially larger than the building it would replace. The proposal therefore represents inappropriate development in the Green Belt which would be harmful by definition and would impact detrimentally on the openness of the Green Belt. No Very Special Circumstances exist which would clearly outweigh the harm caused to the Green Belt by reason of the proposal's inappropriateness. The proposal would therefore be contrary to Woking Core Strategy (2012) policy CS6 'Green Belt', Woking Development Management Policies DPD (2016) policy DM13 'Buildings Within and Adjoining the Green Belt' and the National Planning Policy Framework (2019).*

- PLAN/2019/0290 - Replacement residential dwelling. Demolition of the existing residential dwelling after replacement dwelling is constructed – Permitted 07.06.2019.
- PLAN/2018/0523 - Replacement residential dwelling located on permitted footprint of planning permission Ref: 83/0733. Demolition of existing residential dwelling after replacement dwelling is constructed - Not Determined - Appeal Dismissed 05.02.2019.  
  
*(Officer Note: PLAN/2018/0523 was not determined by the Local Planning Authority because the application was deemed to be invalid. The applicant appealed on the grounds of non-determination).*
- PLAN/2017/0104 - Certificate of Existing Lawful Development for existing use to establish whether the use as a single dwellinghouse of an outbuilding (identified by the applicant as The Gatehouse) began more than four years before the date of the application - Certificate Issued 31.03.2017.
- PLAN/2016/1188 - Certificate of Existing Lawful Development for existing building works to establish whether an existing Pullman outbuilding (with toilet and associated wash facilities) was substantially completed more than four years before the date of the application - Certificate Issued 08.02.2017.
- PLAN/2012/0061 - Variation of condition 05 of PLAN/2011/0184 dated 28/09/2011 to allow the use of temporary horse jumps on the application site (amended description) - Permitted subject to conditions (28.05.2012)
- PLAN/2011/0897 - Retrospective planning application for the retention of a horse exerciser and relocated stable building - Permitted subject to conditions 02.03.2012.
- PLAN/2011/0184 - Application to vary conditions 03 of PLAN/2008/1268 for the erection of a domestic sandschool and condition 03 of PLAN/2010/0671 for the retention of six bay stable block to allow the sandschool and land at Ringlestone Farm to be used in connection with four of the existing stables bays being used as an assisted commercial livery - Permitted subject to conditions 28.09.2011.
- PLAN/2011/0077 - Erection of a single storey rear extension - Permitted subject to conditions 08.03.2011.

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- PLAN/2010/0671 - Retention of six bay stable block - Permitted subject to conditions 29.09.2010.
- PLAN/2008/1268 - Formation of domestic use sand school on Agricultural Land incidental to the dwelling house at Ringlestone Farm - Permitted subject to conditions 23.01.2009.
- PLAN/2008/0664 - Certificate of Existing Lawful Development for the use of the premises as a residential dwelling which has been occupied in breach of an agricultural occupancy condition - Certificate of Lawful Development Issued 25.07.2008.
- 85/0079 - Erection of a detached bungalow for occupation by an agricultural worker - Permitted subject to conditions 26.03.1986.
- 83/0733 - Improvement of existing vehicular access, erection of a two storey dwelling and garage, erection of office, staff rooms and storage, packing and potting buildings - Permitted subject to conditions 11.01.1984 (Subject to modification order dated 19.02.1986 to delete the words "*erection of a two storey dwelling and garage*").

### **CONSULTATIONS**

None undertaken.

### **REPRESENTATIONS**

None received.

### **RELEVANT PLANNING POLICIES**

#### National Planning Policy Framework (NPPF) (2021):

Section 2 - Achieving sustainable development.

Section 4 - Decision-making.

Section 12 - Achieving well-designed places.

Section 13 - Protecting Green Belt land.

Section 14 - Meeting the challenge of climate change, flooding and coastal change.

Section 15 - Conserving and enhancing the natural environment.

#### Woking Core Strategy (2012):

CS1 - A spatial strategy for Woking Borough.

CS6 - Green Belt.

CS8 - Thames Basin Heaths Special Protection Areas.

CS9 - Flooding and water management.

CS21 – Design.

CS24 - Woking's landscape and townscape.

#### Development Management Policies Development Plan Document (DMP DPD) (2016):

DM2 - Trees and landscaping

DM13 - Buildings in and adjacent to the Green Belt

#### Supplementary Planning Documents (SPDs):

Design (2015)

Parking Standards (2018)

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Outlook, Amenity, Privacy and Daylight (2022)  
Climate Change (2013)

### Other Material Considerations:

Planning Practice Guidance (PPG)

Community Infrastructure Levy (CIL) Charging Schedule (2015)

## **PLANNING ISSUES**

### Background:

1. The application site comprises a large, mixed private/assisted livery equestrian centre, which was originally in agricultural use as a horticultural business. A single storey agricultural worker's dwelling was permitted in 1986 under ref: 85/0079 to the east of the proposal site. In 2008 a certificate of lawfulness was obtained (PLAN/2008/0664) demonstrating that the dwelling had been occupied in breach of the agricultural worker's restrictive condition for more than ten years.
2. Planning permission was subsequently granted under PLAN/2008/1268 for the change of use of agricultural land to a sand school for the keeping of horses for private use. An unauthorised stable block was subsequently regularised under PLAN/2010/0671.
3. A variation of the restrictive conditions placed on both PLAN/2010/0671 and PLAN/2008/1268 was subsequently permitted under PLAN/2011/0184 in order to allow the sand school and four of the existing stable bays to be used as an assisted commercial livery in connection with the wider application site.
4. Retrospective permission was subsequently granted for a horse trainer and relocated stable building under PLAN/2011/0897.
5. In 2017 under application ref: PLAN/2017/0104, a certificate of lawfulness was obtained demonstrating that a portable building to the north of the site had been occupied as a dwelling for more than four years and was therefore immune from enforcement action. A replacement dwelling was subsequently permitted under PLAN/2019/0290 and again with an alternative siting under PLAN/2021/0223.
6. The current proposal relates to the retention of an existing hay storage lean-to which the applicant contends has been in situ at the site from April 2020 and "*in regular use for agricultural operations in conjunction with the sites existing context*". Additionally, consent is requested for the retention of four sections of existing 1.2m height open-fencing, serving to delineate separate paddocks in the north and east area of the site. The subject fencing would normally benefit from planning permission by virtue of 'The Town and Country Planning (General Permitted Development) (England) Order 2015'. However, such Permitted Development rights are restricted at the site due to a historic planning condition, namely, condition 5 of planning permission PLAN/2011/0184:

*"Notwithstanding the plans hereby approved no further structures or means of enclosure, horse jumps (temporary or permanent), training schools, manages, and/or floodlights shall be erected or placed within the application site without the prior consent in writing of the Local Planning Authority.*

*Reason: To preserve the open character and appearance of the Green Belt".*

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7. From the Officer' site visit undertaken in October 2024, the hay storage lean-to and fencing both appear to be primarily used for storage and ancillary functions in relation to the lawful equestrian use of the site. The proposal has been assessed on its own merits as set out below.

### Impact on Green Belt:

8. The proposal site is within designated Green Belt and as such Woking Core Strategy (2012) policy CS6 'Green Belt', Woking DMP DPD (2016) policy DM13 'Buildings in and adjacent to the Green Belt' and Section 13 of the NPPF (2023) apply. These policies seek to preserve the openness of the Green Belt. The NPPF (2023) sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. Policy CS6 of the Woking Core Strategy (2012) states that *"to ensure the Green Belt continues to serve its fundamental aim and purpose, and maintains its essential characteristics, it will be protected from harmful development. Within Green Belt boundaries strict control will continue to apply over inappropriate development, as defined by Government policy currently outlined in the NPPF"*.
9. The NPPF (2023) at Paragraphs 152 and 153 states that *"Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations"*.
10. Paragraph 154 of the NPPF states that *"a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:"* with a limited list of exceptions, including (c): *"the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building"*.
11. Permission is sought for the extension or alteration of a building in the Green Belt; namely the retrospective addition of the hay barn to the existing stables. Permission is also sought for the construction of a new building; namely the fencing.
12. The stable block to which the hay barn is built was initially granted planning permission following application PLAN/2010/0671. The proposed new building in the Green Belt was considered appropriate development by virtue of its role in the provision of essential facilities in connection with outdoor recreation, and its modest size commensurate to the size of the land and existing recreational use, low profile finish and typical rural appearance. PLAN/2011/0897 sought permission for the relocation of the stable block to its current location to the south-west of the horse walker. There was no net increase in the number of stable blocks, and it was considered that the relocated stable building reduced the impact upon the openness of the Green Belt by virtue of the centralised location in relation to the proposed siting of the stables following PLAN/2010/0671, and the revised proposals (PLAN/2011/0897) constituted appropriate development. From a review of aerial photography and site visit photographs available throughout the course of the planning history (as set out above), and the planning history itself; it is clear that the stable block in question has not been enlarged or substantially altered since the time of its construction. A detached portable structure was sited on the hardstanding

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running perpendicular to the block, in the present location of the hay barn. This structure has since been removed from the site.

13. The hay barn has a footprint of 40.3sqm. The pre-existing stable block has a footprint of 136.74sqm. This represents a percentage increase of 29.47% over and above the pre-existing floor area. The volume of the hay barn is approximately 124.7m<sup>3</sup>. The pre-existing stable block has a volume of 209.53m<sup>3</sup>. This represents a percentage increase of approximately 59.5%. The enlargements in respect of footprint falls within the 20-40% guideline set out in policy Woking DMP DPD (2016) policy DM13. The volume increase falls outside of this guideline.
14. Nevertheless, the stable block in terms of design, material finish, discreet siting and low profile nature, adjoining an existing building is of a typical rural appearance and designed to be suitable for its intended purpose. It was evident from a visit to the site undertaken in October 2024 that the hay barn was in use for the storage of hay and associated paraphernalia for the upkeep of horses. Whilst volume calculations assist in considering the impact of a development proposal upon the openness of the Green Belt, it is considered in view of the siting, design and appearance of the structure alongside its modest, policy compliant uplift in footprint that the hay barn addition would constitute appropriate development in the Green Belt.
15. The fencing would constitute the erection of a new building in the Green Belt. The thrust of Woking Core Strategy (2012) policy CS6 'Green Belt', Woking DMP DPD (2016) policy DM13 'Buildings in and adjacent to the Green Belt' and Section 13 of the NPPF (2023) is that the construction of new buildings in the Green Belt should be considered inappropriate. The retrospectively constructed fencing is sited toward the north and east of the site. It serves to delineate and separate the paddock, in support of the equestrian use on the site. It is timber post and rail, set to a height of 1.2m. Each panel spans 1.8m in length. The combined length of the fencing under consideration is c.110m.
16. The applicant has not put forward a VSC (Very Special Circumstances) case to justify the requirement for the fencing as a new building in the Green Belt, but contends that *"the development does not bare any detrimental impact on the existing openness of the Green Belt, as the structures benefit from sufficient screening measures through existing natural landscape components in addition to existing features of the built environment such as outbuildings and other ancillary structures"*. The applicant goes on to contend that *"the existing fence is not out of character of what is normally seen within rural areas. It is also noted that the GPDO does not restrict development of this scale within the Green Belt, and for these reasons, the retention of the fencing will not result in any detrimental visual impact to the areas existing landscape character, nor will it impose any harm to the openness of the Green Belt"*.
17. The fencing is considerable in combined length and serves to delineate the existing paddock. The VSC case put forward by the applicant is brief, and does not put forward a rationale for the division of the paddock, following over a decade of domestic and commercial horse keeping without a delineation in place; and no increase in the number of horses kept on site. Nevertheless, it is noted that the fencing is a lightweight timber, post and rail structure, which does not serve to restrict views across the paddock. It is clear to see that by October 2024, over twelve months following the installation of the fencing, its bright colour had weathered, in line with fencing of a similar style which can be observed elsewhere on site. The modest height of the fencing is also noted and in all, the applicant is reasonable to contend that the fencing; and for that matter the hay store benefits from screening measures by virtue of the vegetation cover screening the site from the public realm and existing buildings.

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The applicant is also reasonable to contend that such fencing would typically be permissible by virtue of the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015' A condition is attached to ensure that the fencing is retained in perpetuity as post and rail, and not subject to any increase in height. The proposal is not considered to result in additional need for further, or alternative fencing elsewhere on the site.

18. On balance, it is considered that the potential harm to the green belt by reason of inappropriate development is outweighed by the above considerations. The retrospective proposals are therefore considered to meet Green Belt policy within the Woking Core Strategy (2012) policy CS6 'Green Belt', Woking DMP DPD (2016) policy DM13 'Buildings in and adjacent to the Green Belt' and Section 13 of the NPPF (2023).

### Impact on Character:

19. Paragraph 135 of the NPPF states that planning policies and decisions should ensure that developments: a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
20. Policy CS21 states that proposals for new development should create buildings and places that are attractive with their own distinct identity; respect and make a positive contribution to the street scene and the character of the area in which they are situated, paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land.
21. The hay barn is of an appearance commensurate to a rural outbuilding used for the provision of, and in connection with equestrian uses. It would represent a proportionate addition to the existing stables, would be constructed in materials sympathetic to the rural character of the site, and would have a very low level of visibility from the public realm. The fencing reflects the design and appearance of pre-existing fencing used in and around the site, and despite its length and prominence from within the site; does not appear at odds with the rural character of the site and wider area. Overall, subject to a condition to maintain the fencing as post and rail at 1.2m in perpetuity, the proposal is considered to have an acceptable impact on the character of the surrounding area.

### Drainage and Flood Risk:

22. The proposal site is within Flood Zone 1 and so is at low risk from fluvial flooding. However, parts of the site are classified as being at medium, high and very high risk from surface water flooding. In these circumstances, the fencing and hay store are retrospectively built, Consequently the applicant has missed the opportunity to integrate flood risk mitigation into the core of the development from the outset.
23. The hay barn is of a modest size. It is not in residential use, and it is constructed upon an existing impermeable surface. It has served to replace an earlier detached temporary structure (which is evident following analysis of aerial imagery throughout time). Nevertheless, the site lies within Flood Zone 1. The location of the hay barn lies within an area classified as being at medium and partially high risk from surface water flooding. It is therefore considered proportionate and appropriate to recommend a



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condition requiring details of a SuDS proposal in respect of the hay barn to be submitted to and approved in writing by the Local Planning Authority within six months of the date planning permission is granted, and a further six months following the approval of details for the implementation of the agreed details. It is not considered that the fencing would materially increase the risk of flooding on or off the site.

24. Subject to the condition as described, the proposals are considered acceptable in terms of flood risk.

### Impact on Neighbours:

25. The only residential dwellings within proximity of the proposed development are the 'original' bungalow at Ringlestone Farm to the east and the dwelling to the north of the site. The nature and scale of the proposed development means that the proposal is not considered to result in a significantly harmful impact on neighbouring amenity.

## **CONCLUSION**

The proposal is considered to have an acceptable impact on the openness of the Green Belt, character of the surrounding area, and on the amenities of neighbours and in respect of other planning considerations as noted in this report. The proposal therefore accords with the relevant Development Plan policies, guidance and other material considerations as noted in this report and is recommended for approval subject to conditions.

## **BACKGROUND PAPERS**

1. Site visit photographs

## **RECOMMENDATION**

PERMIT subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the approved plans listed below:

PROPOSED BARN FLOOR PLAN AND ELEVATIONS (Unnumbered). Dated 18 April 2023.

SITE LOCATION PLAN & PROPOSED FENCE PLAN (Unnumbered). Dated 18 April 2023.

SITE LOCATION PLAN & PROPOSED HAY BARN (Unnumbered). Dated 18 April 2023.

Reason: For the avoidance of doubt and in the interests of proper planning.

2. The external finishes of the development hereby permitted must only be as stated within the Materials section of the submitted application form. This must include the external finishes of the development hereby permitted matching those used in the host dwellinghouse in material, colour, style, bonding and texture where applicable. The development hereby permitted must thereafter be permanently maintained as such unless the Local Planning Authority first agrees in writing to any variation.

Reason: In the interests of the character and appearance of the building and the visual amenities of the area in accordance with Policy CS21 of the Woking Core

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Strategy (2012), SPD Design (2015) and the provisions of the National Planning Policy Framework (NPPF).

3. Details of a scheme for disposing of surface water by means of a sustainable drainage system including the design storm period and intensity, the method employed to delay and control the surface water discharged from the site, the measures taken to prevent pollution of the receiving groundwater and/or surface waters and a timetable for its implementation shall be submitted to and approved in writing by the Local Planning Authority within six months of the date of the grant of planning permission. The sustainable drainage system shall be implemented in accordance with the approved details within a further six months and managed and maintained thereafter in accordance with the approved scheme.

Reason: To ensure the development does not result in a material increase in flood risk on or off site in accordance with the requirements of Policy CS9 of the Woking Core Strategy (2012), and the provisions of the NPPF.

4. Notwithstanding the provisions of Article 3 Schedule 2 Part 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the fencing hereby permitted shall not be altered, or infilled and shall be retained and maintained at a height of 1.2m in perpetuity.

Reason: The Local Planning Authority considers that further development could cause detriment to the openness, and purposes, of the Green Belt and to the character of the area and for these reasons would wish to control any future development in accordance with Policies CS6 and CS21 of the Woking Core Strategy (2012), Policy DM13 of the Development Management Policies DPD (2016), SPD Design (2015) and the provisions of the NPPF.

### **Informatives**

1. The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of the National Planning Policy Framework (2023).
2. The applicant is advised that Council officers may undertake inspections without prior warning to check compliance with approved plans and to establish that all planning conditions are being complied with in full. Inspections may be undertaken both during and after construction.
3. The applicant is advised that this planning permission does not convey the right to enter onto or build on land not within their ownership.
4. The applicant is advised that under the Control of Pollution Act 1974, works which are audible at the site boundary are restricted to the following hours: 8.00 a.m. - 6.00 p.m. Monday to Friday, 8.00 a.m. - 1.00 p.m. on Saturdays and not at all on Sundays and Bank Holidays.
5. The applicant is advised that this planning permission does not purport to grant consent for the recent excavation of a pond, erection of associated fencing, and the erection of 2x field shelters which form a separate planning enforcement investigation.
6. The applicant is advised that this is a DRAFT decision only.