



Windlesham Parish Council

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The Council Offices
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20th July 2023

To: Cllrs Du Cann, Marr, Richardson, Turner, White and Willgoss

And all members of Council as nominated substitutes

You are hereby summoned to attend a meeting of the Planning Committee to be held at St Annes Church Centre, 45 Church Road, Bagshot, GU19 5EQ on **Tuesday 25th July 2023** at 18:30 to act upon the under-mentioned business.

Yours sincerely

**Joanna Whitfield
Clerk to the Council**

MEETING INFORMATION

Members of the public are invited to attend this meeting or alternatively, if you wish to submit any questions or comment on any of the items on this agenda without attending, please email clerk@windleshampc.gov.uk by midday on Tuesday 25th July 2023. Please note that submissions for public participation will be read aloud at the meeting, along with the name of the person submitting the comment. If you do not wish your name to be made public at the meeting you must specify this to the Clerk in writing at the time of submission.

AGENDA

1. **Apologies for absence**
2. **Declarations of interest:** Members to declare any interest, including Disclosable Pecuniary Interests they may have in agenda items that accord with the requirements of the Parish Council's Code of Conduct and to consider any requests from members for dispensations that accord with the Localism Act 2011 S33(b-e)
3. **Public question time**
4. **Exclusion of the press and public.** To agree any items to be dealt with after the public, including the press, have been excluded under S1(2) of the Public Bodies (Admission to Meetings) Act 1960
5. **To discuss application to remove public footpath no 185, High View Road to Lightwater Country Park**
6. **To consider planning applications and planning appeals received prior to this meeting:**

	Bagshot Applications		
23/0729/DTC	Solstrand Station Road Bagshot Surrey GU19 5AS Submission of details to comply with condition 3 (Details of External Facing Materials), Condition 5 (Proposed Finished Ground Floor Levels), Condition 9 (Ecological Enhancement Plan), Condition 10 (Construction Transport Management Plan), Condition 13 (Badger Set Survey), Condition 14 (Sensitive Lighting Management Plan), Condition 17 (Reptile Precautionary Working Method Statement), and Condition 18 (Drainage Scheme) attached to planning permission 21/1176/FFU.	Details to Comply	8 th August 2023
	Lightwater Applications		
23/0705/FFU	37 Curley Hill Road, Lightwater, Surrey, GU18 5YQ Erection of a first floor extension with a new pitched roof over and dormer windows to the rear and front following the removal of the existing roof, erection of rear extensions, replacement windows and alteration to the front and rear facade.	FPA	3 rd August 2023
23/0622/FFU	Old Oak Barn , The Ridgeway, Lightwater, Surrey, GU18 5XS Erection of a single storey side extension (Orangery), erection of a garage, replacement driveway, replacement perimeter fencing, erection of electric gates and changes to fenestration.	FPA	4 th August 2023
	Windlesham Applications		
23/0704/ADV	Half Moon, Church Road, Windlesham, Surrey, GU20 6BN Advertisement consent for one illuminated A4 menu box, new entrance door plaque, new wall lanterns, three fascia signs with trough lights over and one illuminated swing sign on existing post.	Advert	7 th August 2023
23/0703/FFU	Half Moon, Church Road, Windlesham, Surrey, GU20 6BN The provision of replacement and additional external LED lighting and provision of planters.	FPA	7 th August 2023
23/0730/FFU	Holly Cottage, 61 Updown Hill, Windlesham, Surrey, GU20 6DW Erection of a conservatory following demolition of existing.	FPA	10 th August 2023

Please see Surrey Heath explanation document below:

A1.	Shops	Shops, retail warehouses, hairdressers, undertakers, travel and ticket agencies, post offices, pet shops, sandwich bars, showrooms, domestic hire shops and funeral directors.
A2.	Financial & professional Services	Banks, building societies, estate and employment agencies, professional and financial services and betting offices.
A3.	Restaurants and Cafes	For the sale of food and drink for consumption on the premises - restaurants, snack bars and cafes.
A4.	Drinking Establishments	Public houses, wine bars or other drinking establishments (but not nightclubs).
AS.	Hot Food Takeaways	For the sale of hot food consumption <i>off</i> the premises.
81.	Business	Offices, research and development, light industry appropriate to a residential area.
82.	General Industrial	Use for the carrying on of an industrial process other than one falling within class 81 above.
88.	Storage or Distribution	Use for the storage or as a distribution centre including open air storage.
C1.	Hotels	Hotels, board and guest houses where, in each case no significant element of care is provided.
C2.	Residential Institutions	Residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres.
C2A.	Secure Residential Institutions	Use for a provision of secure residential accommodation, including use as a prison, young offenders institution, detention centre, secure training centre, custody centre, short term holding centre, secure hospital, secure local authority accommodation or use as a military barracks.
C3.	Dwelling houses	Family houses or houses occupied by up to six residents living together as a single household, including a household where care is provided for residents.
C4.	Houses in Multiple Occupation	Small shared dwelling houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom.
D1.	Non-residential Institutions	Clinics, health centres, creches, day nurseries, day centres, school, art galleries, museums, libraries, halls, places of worship, church halls, law courts. Non-residential education and training areas .
D2.	Assembly & Leisure	Cinemas, music and concert halls, bingo and dance halls (but not nightclubs), swimming baths, skating rinks, gymnasiums or sports arenas (except for motor sports, or where firearms are used).
	Sui Generis	Theatres, houses in multiple paying occupation, hostels providing no significant element of care, scrap yards, garden centres, petrol filling stations and shops selling and/or displaying motor vehicles, retail warehouse clubs, nightclubs, laundrettes, dry cleaners, taxi businesses, amusement centres and casinos.

How the Committee makes a decision:

The Planning Applications Committee's decision on an application can be based only on planning issues. These include:

- Legislation, including national planning policy guidance and statements.
- Policies in the adopted Surrey Heath Local Plan and emerging Local Development Framework, including Supplementary Planning Documents.
- Sustainability issues.
- Layout and design issues, including the effect on the street or area (but not loss of private views).
- Impacts on countryside openness.
- Effect on residential amenities, through loss of light, overlooking or noise disturbance.
- Road safety and traffic issues.
- Impacts on historic buildings.
- Public opinion, where it raises relevant planning issues.

The Committee cannot base decisions on:

- Matters controlled through other legislation, such as Building Regulations e.g. structural stability, fire precautions.
- Loss of property value.
- Loss of views across adjoining land.
- Disturbance from construction work.
- Competition e.g. from a similar retailer or business.
- Moral issues.
- Need for development or perceived lack of a need (unless specified in the report).
- Private issues between neighbours i.e. boundary disputes, private rights of way. The issue of covenants has no role in the decision to be made on planning applications.

Reports will often refer to specific use classes. The Town & Country Planning (Use Classes) Order 1995 (as amended) is summarised for information below:

Item 5 - To discuss application to remove public footpath no 185, High View Road to Lightwater Country Park

The Clerk has received the following email which Members are asked to read and consider if they have any relevant information on the application.

Surrey County Council is investigating an application which seeks to remove public footpath no. 185, Windlesham parish from the definitive map and statement of public rights of way. This footpath runs from High View Road to Lightwater Country Park, as shown on the attached plan. The application was made in 2017 and has now reached the top of the Council's priority list. Our intention is to look into the evidence for and against the application and reach a decision in the coming months.

The path is currently a recorded public footpath. The applicant believes that it was recorded in error, that no public rights of access exist and that the path should therefore be removed from the legal record.

The footpath was originally recognised and recorded as a public right of way in 1991. Local residents applied to have the path recorded on the basis that it had been used unchallenged for 20+ years. A public inquiry was held, evidence was heard for and against the application, and an independent inspector agreed that the public had acquired public footpath rights following unchallenged public access during the period 1961-1981.

In 2007 an application was made to remove the footpath in the belief that the original decision was made in error and that public footpath rights had not in fact been acquired. This application also went to public inquiry and was refused in 2011.

In 2017, the same applicant again applied to remove the public footpath. The Council has a duty under the Wildlife and Countryside Act 1981 to investigate the application and reach a decision. The only thing that the Council may consider is whether the available evidence shows that the footpath was recorded as a public footpath in error, i.e. that the inspector's decision that there had been 20 years unchallenged public use of the path from 1961-1981 was incorrect.

The burden of proof rests with the applicant, who must provide evidence that an error has been made. Any such evidence must meet the following criteria: it must be new; of sufficient substance to show that the definitive map is incorrect; and cogent.

The vast majority of evidence that has been provided has been considered previously. The new evidence consists of statements from residents who lived at 3 different addresses on High View Road during the 1960s and 70s, claiming that there was a locked gate at the High View Road entrance to the path throughout the period 1961-1981. It is noted that this directly contradicts the evidence submitted in 1981 by 9 residents of High View Road who claimed 20+ years' unobstructed use of the path.

If you wish to provide any information on the application, or if you have any comments or queries, please respond to this letter by 18 August 2023 using the contact details at the head of this letter.

Any personal information that you provide in response to this consultation will be used to help determine the status of the claimed footpaths. In due course it may be necessary to disclose any responses to third parties or the Planning Inspectorate, or to include the information provided in reports or inquiry documents that will be publicly available. If you do not wish for your information to be used in this way, please state this as part of your response, in which case any responses that you provide will still be considered but may be given less weight as a result.

Yours faithfully

Countryside Access Officer (Legal Definition Team)
