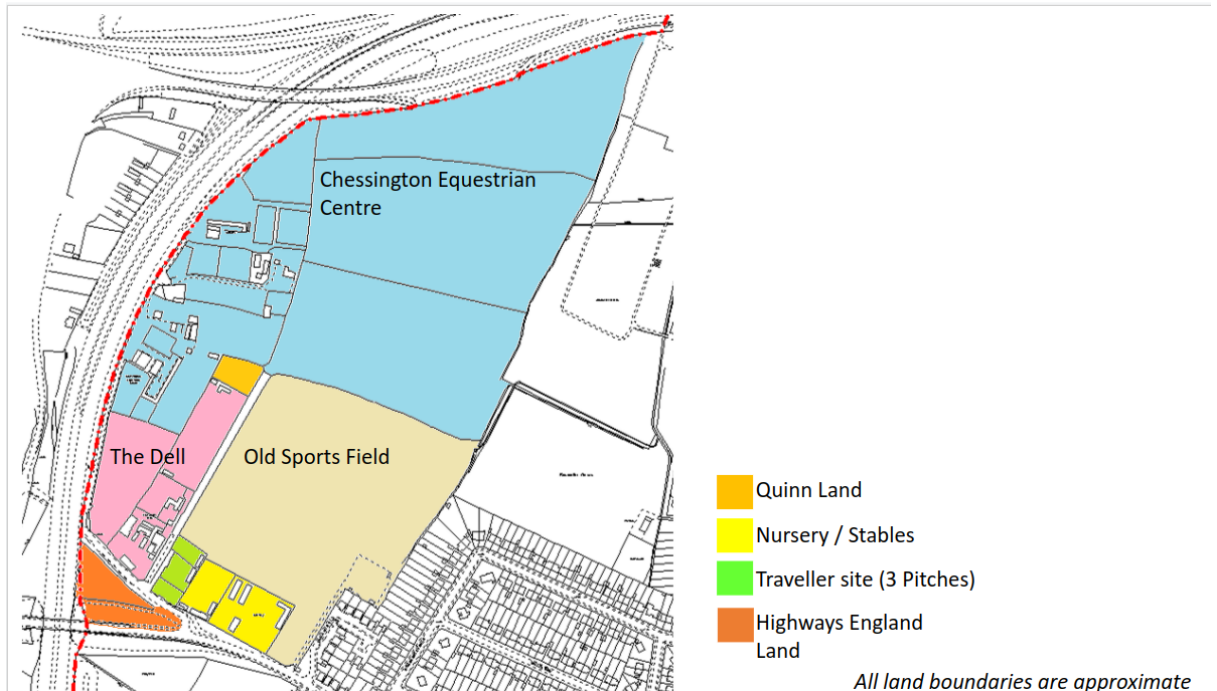


## Background Briefing regarding Mr Robb's enquiry to Cllr Dunstone regarding the Poppymill residential development proposition relating to land at The Dell/ 5 Acre Farm, Clayton Road, Chessington - January 2022

1. Clarification of who owns what Land and what it is presently being used for legally or otherwise.

*The land is in multiple ownership broadly defined by the plan below.*



*The area has for some time and continues to be beset by unlawful land uses ranging from storage yards and operational buildings associated with scaffolding businesses to a large number of residential mobile homes occupied by both the Gypsy, Romany and Traveller community and a separate community of foreign nationals. The land and most of the associated problems were inherited through the administrative boundary change where land formerly located in Elmbridge transferred to Kingston. It is understood that there are other legitimate land uses on the site related to equestrian activity and other uses.*

2. What does the designation of the land areas on the above Map really mean in reality i.e. protection and enforcement

*The areas identified on the plan identify the land use policy designations as defined in the Core Strategy ie GB = Green Belt policy and land parcel identification number and MOL = Metropolitan Open Land policy and land parcel identification number.*

*In a strategic land use context the Green Belt serves 5 purposes:*

- (a) to check the unrestricted sprawl of large built-up areas;*
- (b) to prevent neighbouring towns merging into one another;*
- (c) to assist in safeguarding the countryside from encroachment;*
- (d) to preserve the setting and special character of historic towns; and*
- (e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

*It is important to note that in a pure green belt policy context, the qualitative attributes (or lack of) provided through green belt policy protections are secondary to the five main purposes listed above.*

*Green Belt (and Metropolitan Open Land (MOL)) are protected through the hierarchy of statutory planning policies prescribed by the NPPF [Protecting Green Belt land](#) London Plan Chapter 8 Green Infrastructure and Natural Environment Policy G2 & G3 London Plan 2021 [THE LONDON PLAN](#) and RBK Core Strategy Policy DM 5 Green Belt, Metropolitan Open Land (MOL) and Open Space Needs [Core Strategy 2012](#). These policies are in place to ensure that the integrity of the Green Belt is maintained.*

3. Confirmation of the number of enforcement orders that have been served on the land areas designated GB15 and GB16 ( i.e. an enforcement order is a notice served by a local planning authority setting out the remedial action necessary to put right work or correct an activity that appears to have been undertaken without planning permission); we believe it to be in the region of 151.

*See Q4 below*

4. If enforcement orders are in place can we have a list of when they were served and possibly the RBK Enforcement Team can attend the Meeting to give us an update as to where we stand on these issues and their plan to enforce these orders.

*No enforcement notices have been served on the whole of the land designated GB15 and 16, though a great many have been served on land and buildings within it by Elmbridge BC, and then by RBK. This distinction is important in answering your question about what notices have been served and where we stand as a result.*

*Now and historically, areas GB15 and 16 comprise a range of separate titles. Rather than having effect across a wider area, enforcement notices apply only within the specific land parcel they were served upon, or (as appears to have been the practise by Elmbridge BC when the land was in the jurisdiction of the borough) on specific parts of individual land parcels, or even on individual buildings – wherever the breach of planning control addressed by the notice was taking place at the time, but not beyond that.*

*Whilst normally it is easy to quickly determine how many notices are in effect on a particular site, in this instance it has always been less clear. When the land became part of RBKs area we inherited a number of long-running planning enforcement issues, including scores of enforcement notices served by Elmbridge. These old notices are critical in defending any claim of established use rights for unauthorised development within the area, as an extant enforcement notice 'stops the clock' against such claims, but the status of each notice has never been fully clear.*

*An enforcement action plan has been drafted to address much of area GB15 and 16. A key part of the work is to establish through research, site surveys and recourse to legal advice precisely which of the many notices to have ever been served (there is a belief that the number exceeds 100) were complied with and/ or have fallen away; which were complied with and remain reliable as a defence against future planning breaches; which are effective in law but have not been complied with; and, which were not complied with but are likely now to be ineffective in law.*

*The intention is that the research (which will be time consuming, expensive and difficult) informs the subsequent strategy on each of the sites within areas GB15 and 16. Action thereafter can range from the service of enforcement notices to the use of Injunctions and prosecutions, though each action is subject to appeal and challenge. For these enforcement actions to be taken forward it is worth noting that that one of the frustrations of the enforcement system is that it costs the Councils residents a significantly large amount of money to attack issues such as these, with little or no recourse to bill those landowners who are both responsible for, and profiting from, the breaches of planning control in question. It is possible to attempt costs claims if unnecessary legal expense is incurred, but even then there is no certainty of retrieving any of the potentially significant costs involved. The way ahead is therefore not straightforward.*

5. One of the selling points offered up by the developers is a green pathway all the way from GB Area 15 and 16 down to GB2 in Malden Rushett do we need 2500 units built on our Green Belt to achieve this aspiration why can't we achieve this now with some energy and enthusiasm from our Council and our Bio Diversity Officer Elliot Newton.

*One of the aspects of green belt policy protections is that they are defined irrespective of land ownership, which may result in large areas of private land remaining inaccessible. Areas which may indeed otherwise provide significant potential benefits for the communities living within the vicinity to access such areas of open space for recreational activity. There is however no requirement for owners of land designated as green belt to make these areas publicly accessible. Theoretically, in some respects the development of the land may provide greater opportunities for local communities to access new green pathways and open space. Under the current Green Belt policy designation however, the site is currently unsuited to any associated development proposal to enable such opportunities to be realised.*

6. We saw the dumping of 300,000 tons of spoil from the Crossrail project on this Green Belt Land can we have an update as to what this has done to the balance of the area

especially when it comes to the dispersal of surface water and an update on the maintenance and condition of the culverts and tributaries that run through the area. Maybe we could invite representatives from the Allotment Society to see if this has had any adverse effect on their land.

Regarding the crossrail spoil, does this refer to the increase in land level across the Equestrian Centre paddocks as approved by planning permission 13/10228/FUL? If so then planning permission was granted for the work and inspections during the project found no breaches of planning control.

7. Poppymill seem to think they can heavily rely on EBD (**Evidence Build Design**) concepts to overturn the Green Belt designation , sorry if I misunderstood this, so it would be useful to have a representative from the planning department to help us understand what this actually means and how they can use this to sweep away the Green Belt protection on their Land.

The approach taken by Poppymill to date has been proactive, in engaging with the local community and others through an 'Enquiry by Design' (EbD) process [Enquiry by Design](#). *EbD is a well recognised and credible methodology frequently adopted to engage with and encourage local communities to participate in exploratory workshops or charrettes to broker involvement and understanding of potential large scale opportunities for residential growth.*

*As Green Belt land however, it is currently unsuited to residential development. The Council currently anticipates meeting its immediate housing targets (9640 homes over the next 10 years as defined by the London Plan) through the development of the sites identified in the urban and suburban area. The emerging Local Plan is required to demonstrate that sites identified are deliverable and are able to meet this capacity of housing. The Council does not therefore support development of this kind on designated Green Belt land.*