

Planning Report

Land on the West side of Woodlands Lane Stoke D'Abernon Cobham Surrey KT11 3QA

Description of the Land off Woodlands Lane, KT11

The site is located north-west of The Old Orchard, Woodlands Lane Stoke D'Abernon Cobham, Surrey KT11 3QA. The site falls within the Metropolitan Green Belt and most of the site is open greenbelt land.

The land consists of one plot of land under the title number SY451552. – **Appendix 1**

Grounds for Immediate Article 4 Direction

1. A member of the public contacted the Council and reported that there were fences and hardstanding being erected at Land on the West side of Woodlands Road, KT11.
2. I undertook a site visit on Thursday 22 February 2024 in the afternoon. On site I noticed that a number of wooden fences had been erected on the land, also large wooden stables and the widening of a track, and hardcore and tarmac being laid down on the track and widened area. The tarmac was laid primarily in the northeast section of the track. I took pictures and returned to the office. **Appendix 2** – Site visit Photos 22.2.24
3. The Council's solicitor provided land registration details and noted that the land had recently been sold 23 December 2023 and the new owner's details were awaiting processing. Using Land Registry details, I was able to make contact on the 22 February 2024 with the new owner's solicitor, by emailing the company identified on Land Registry's portal. They in turn passed my details on to the new owner James Hyatt. **Appendix 3** - Land Register, **Appendix 4** - Details of the new application pending.
4. On Friday 23 February 2024, I received a call from Mr Hyatt, who identified himself as the new owner. I asked him what he was doing with the land, and he advised me that he planned to subdivide the land into smaller plots and sell them for housing. I advised him that the work he had undertaken needed planning permission. I told him that I considered the works extensive, and that significant harm was occurring to the green belt as a result of the works. I also informed him that a temporary stop notice would be needed if he continued the works.
5. I advised Mr Hyatt that if he voluntarily stopped the works, I would not issue the temporary stop notice. Mr Hyatt told me that he planned to instruct a chartered surveyor to apply for retrospective planning application. I spoke to the surveyor on Friday 23 February 2024 in the afternoon, and he indicated to me that Mr Hyatt was going to use the land for equestrian purposes.
6. I visited the site with Mr Hyatt on Monday 26 February 2024 at 10am. Mr Hyatt informed me that he planned to sub divide the plot into 16 sections and rent them out to local people for equine use. On my visit I noticed that the widening of the track and laying of hard core and tarmac had significantly increased. I also noticed sections of engineering works being undertaken, which involved laying blue water pipes in a number of places on the site. I advised Mr Hyatt that as he had continuing working that I would be serving a temporary stop notice. **Appendix 5** – Site Photo 26.2.24

7. I returned to the site later in the evening of Monday 26 February 2024, and placed temporary stop notice on each entrance to the site. **Appendix 6 - Site Photos.**
8. On Wednesday 29 February 2024, I undertook a google search regarding the sale of land at Woodlands Lane KT11. Property estate agents, Barnard Marcus is selling two plots of land, and the map/photo imagery identifies the plots as part of the land on the West side of Woodlands Lane Stoke D'Abernon Cobham Surrey KT11 3QA. The adverts state 'House for Sale', indicating the use of the land in greenbelt as residential use - Use Class C3. The adverts show that plots were listed for sale on the 23 February 2024. **Appendix 7 – Sale adverts.**
9. The site is best described as open green belt land located within the Metropolitan Green Belt. Any form of building would require planning permission. Notwithstanding this, any owner of the plots could erect fences (or other means of enclosure) up to two metres in height, or up to one metre where it adjoins a highway, without the need for planning permission, subject to the provisions of Schedule 2, Part 2, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015. In addition, the General Permitted Order 2015, permits temporary change of use of land for various activities for up to 28 days in a calendar year. This could, but is not limited to, use for the land for camping, recreational events or paintballing. Other use of land, such as a caravan site, holding markets or motorcycle racing, are restricted to 14 days a calendar year.
10. The South West part of the site edged in blue on the attached plan falls within Flood Zones 2, 3 and 3b (the functional flood plain). Local Policy CS26 (Flooding) in the Councils Core Strategy adopted 2011 states that development should not constrain the natural function of the flood plain, either by impeding flood flow or reducing storage capacity. The potential for the un-planned erection of means of enclosure could lead to both impedance of flood flow and the reduction of flood storage capacity.
11. The Council considers that development which could be carried out without planning permission, under the provisions of Schedule 2, Part 2, Class A & Part 4 Class B, of The Town and Country Planning (General Permitted Development) (England) Order 2015, would have a negative impact on the Green Belt. The National Planning Policy Framework 2023 sets out at Paragraph 143 that the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open, and it further states that the essential characteristics of the Green Belt is its openness and its permanence. The erection of means of enclosure, or the temporary change of use of the land is considered to conflict with this fundamental aim of Green Belt Policy.
12. The service of an immediate Article 4 Direction is justified as the Council have already identified that the current owner is undertaking development, by widening the track and laying hardcore and tarmac, and extending the track into the greenbelt land. There is also engineering work which is designed to place water pipes across the site. The Council is of the opinion that these works are to facilitate the sale of the land for 'houses' for which the sales details refers to and, was first stated as the intention of the landowner, M Hyatt (23.02.24). There is genuine concern that once purchasers realise that the plots they have bought for considerable sums cannot be developed in the way that was implied, they may turn to carry out activities on the land on a temporary basis, to recover some of their investment. It is considered suitable in the circumstances to gain some control over these uses, by removing the owner's ability under permitted development rights, to carry out these temporary changes of uses.
13. Given the above, it is considered appropriate to withdraw the following permitted development rights from the land affected, as such development would be prejudicial

to the proper planning of the green belt area on Woodlands Road and/or constitute a threat to the amenities of the local area.

1. Schedule 2, Part 2, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 –

The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.

2. Schedule 2, Part 4, Class B of The Town and Country Planning (General Permitted Development) (England) Order 2015 –

The use of any land for any purpose for not more than 28 days in total in any calendar year, of

which not more than 14 days in total may be for the purposes of—

(a) the holding of a market;

(b) motor car and motorcycle racing including trials of speed, and practising for these activities,

and the provision on the land of any moveable structure for the purposes of the permitted use.

Signed



Antoinette Bernard – Senior Compliance Officer

Date: 6 March 2024

Authorised



Paul Falconer
Development Manager

6 March 2024

APPENDIX 1

These are the notes referred to on the following official copy

The electronic official copy of the title plan follows this message.

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

This official copy was delivered electronically and when printed will not be to scale. You can obtain a paper official copy by ordering one from HM Land Registry.

There is an/are application(s) pending in HM Land Registry and if we have only completed the mapping work for a pending application affecting the title concerned, such as a transfer of part:

- additional colour or other references, for example 'numbered 1', may appear on the title plan (or be referred to in the certificate of inspection in form CI), but may not yet be mentioned in the register
- colour or other references may also have been amended or removed from the title plan (or not be referred to in form CI), but this may not be reflected in the register at this stage.

This official copy is issued on 22 February 2024 shows the state of this title plan on 21 December 2023 at 16:35:56. It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002). This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground.

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

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MB 25

TITLE NUMBER

H.M. LAND REGISTRY

SY 451 552

ORDNANCE SURVEY
PLAN REFERENCE

TQ 858 1458

Scale

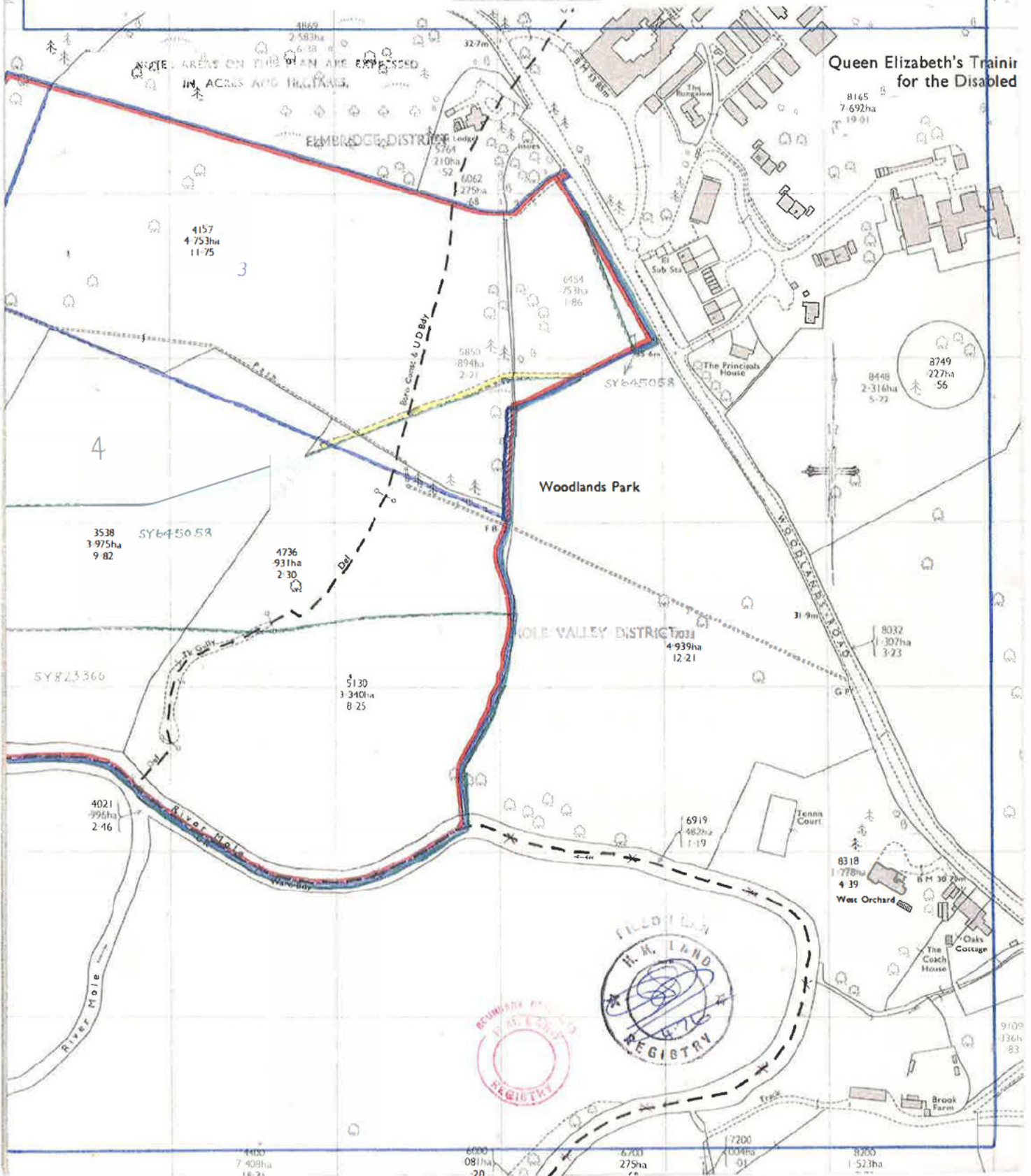
1/25000

COUNTY **SURREY**

DISTRICT **MOLE VALLEY**

© Crown copyright

ELMBRIDGE DISTRICT



Queen Elizabeth's Train for the Disabled

8165
7.692ha
19.01

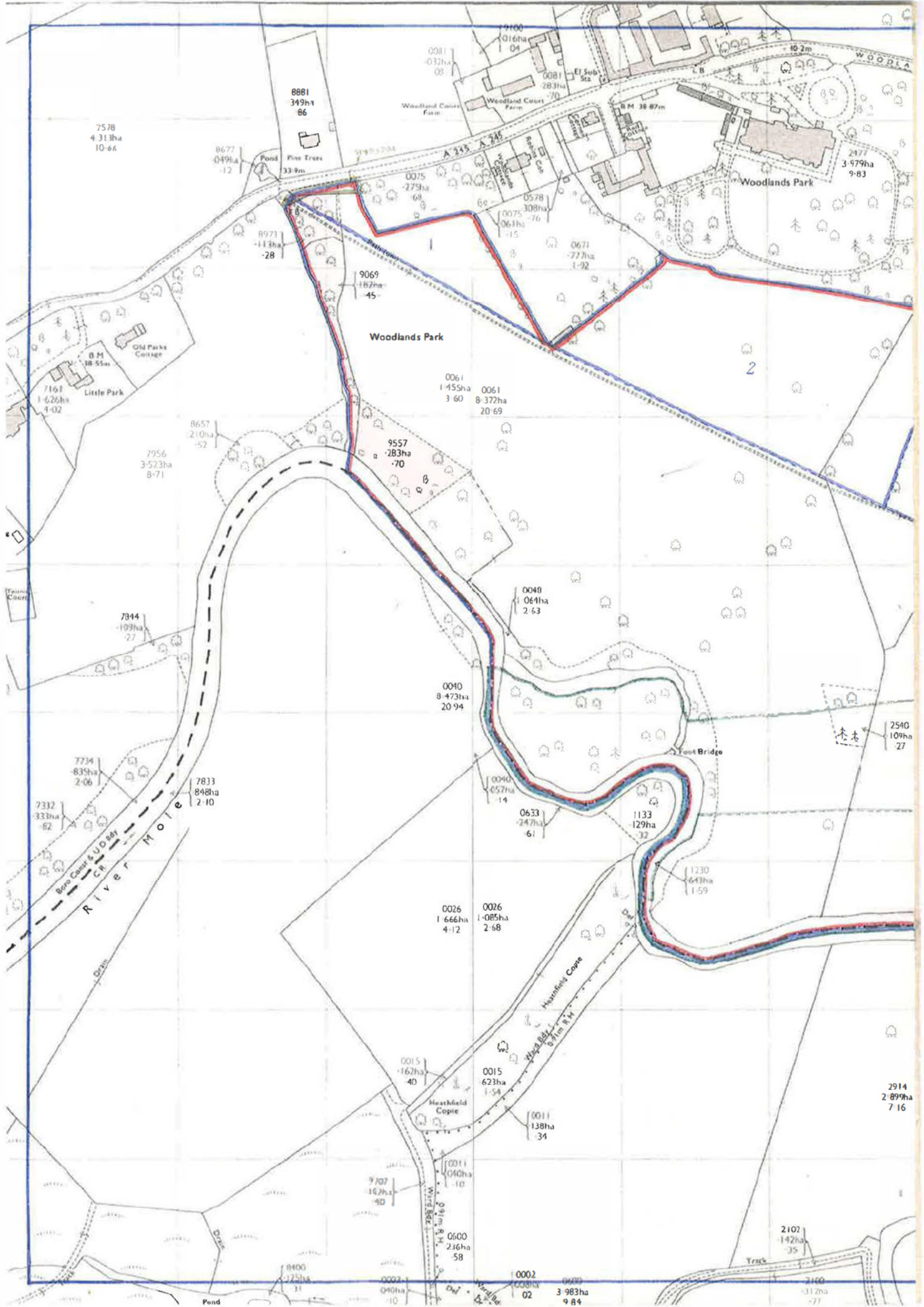
8749
22.27ha
56

8032
307ha
3.23

8318
1.778ha
4.39

9109
336ha
83





This official copy is incomplete without the preceding notes page.

APPENDIX 2

Site visit Thursday 22 February 2024







APPENDIX 3

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.

Applications are pending in HM Land Registry, which have not been completed against this title.



Official copy of register of title

Title number SY451552

Edition date 20.04.2018

- This official copy shows the entries on the register of title on 21 DEC 2023 at 16:35:56.
- 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 22 Feb 2024.
- 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 : ELMBRIDGE

- 1 The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being land on the west side of Woodlands Road, Leatherhead.
- 2 The Conveyance dated 19 July 1939 referred to in the Charges Register also contains an agreement and declaration as to a party wall.
- 3 The Deed dated 31 March 1965 referred to in the Charges Register is expressed to grant rights.
- 4 The land in this title has the benefit of the following rights reserved but the said land is subject to the following rights granted by a Transfer of land lying to the south-east thereof dated 23 June 1971 made between (1) James Cuthbert Prewett (Transferor) and (2) David John Newman and June Rosemary Newman:-

"TOGETHER WITH (but not so as to exclude the operation of Section 62 of the Law of Property Act 1925) all rights and easements and quasi easements and other rights in the nature of easements (other than rights of way) as may now be used and enjoyed in connection with the property hereby transferred over or under the adjoining or neighbouring property of the Transferor EXCEPT AND RESERVED all such rights and easements or quasi easements and other rights in the nature of easements (other than rights of way) as may now be used and enjoyed in connection with the said adjoining property of the Transferor over or under the property hereby transferred."
- 5 The land in this title has the benefit of the following rights reserved in identical terms by the two Transfers both dated 5 May 1972 referred to in the Charges Register:-

"Excepting and reserving in fee simple the free passage and running of water and soil through the sewers and drains and watercourses now existing in or upon the property hereby agreed to be sold."
- 6 (02.10.1980) 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.
- 7 (26.07.1994) A Deed of Grant dated 27 June 1994 made between (1) The Queen's Most Excellent Majesty (2) The Crown Estate Commissioners and

Title number SY451552

A: Property Register continued

(3) M.P.J. Property Investments Limited is expressed to grant a right of way as therein mentioned

NOTE: Copy filed.

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 (04.10.1978) PROPRIETOR: M.P.J. PROPERTY INVESTMENTS LIMITED (Co. Regn. No. 00673891) of Granary House, 18a North Street, Leatherhead KT22 7AW and care of WSM Solicitors LLP, Woodcock House, Gibbard Mews, 37-38 High Street, Wimbledon Village, London SW19 5BY.
- 2 The Transfer to the proprietor contains a covenant to observe and perform the covenants referred to in the Charges Register and of indemnity in respect thereof.
- 3 (20.04.2018) The proprietor's address for service has been changed.

C: Charges Register

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

- 1 A Conveyance of the land edged and numbered 3 in blue on the filed plan and other land dated 31 March 1931 made between (1) Walton Heath Land Company Limited and (2) Joseph Henry West contains restrictive covenants and stipulations and the parts of the said land affected thereby are subject to rights contained or referred to therein.

NOTE: Abstract filed under SY211192.

- 2 A Conveyance of the land edged and numbered 1 and 4 in blue on the filed plan and other land dated 17 July 1931 made between (1) Walton Heath Land Company Limited and (2) Joseph Henry West contains restrictive covenants.

NOTE: Abstract filed under SY211192.

- 3 The parts of the land affected thereby are subject to the rights of drainage contained in a Conveyance of the land edged and numbered 1, 3 and 4 in blue and hatched blue on the filed plan dated 19 July 1939 made between (1) Joseph Henry West and (2) Harold James Prewett and Thomas Edward Prewett.

NOTE: Copy filed under SY211192.

- 4 A Transfer of the land edged and numbered 2 in blue on the filed plan dated 10 July 1958 made between (1) The County Council of the Administrative County of Middlesex (Transferors) and (2) Harold James Prewett (Transferee) contains the following covenants:-

"The Transferee so as to bind the land hereby transferred and to benefit the remainder of the land comprised in Title Number SY72513 hereby covenants with the Transferor as follows:-

(a) That he the Transferee will not develop the land hereby transferred within the meaning of the Town and County Planning Act, 1947 without the previous written consent of the Transferors

(b) That he the Transferee will not without the consent of the Transferors cut any timber at present standing on the land hereby transferred unless such timber shall become diseased or dangerous or do anything which would have an adverse effect on the amenity of the Transferors' adjoining property known as "Woodlands Park" but so that this shall not prevent the Transferee and his successors in title from using the said land for farming purposes or in connection with his

C: Charges Register continued

Dairy Farm business."

- 5 The parts of the land affected thereby are subject to the rights granted by a Deed of Grant of Drainage dated 31 March 1965 made between (1) The Queen's Most Excellent Majesty (2) The Crown Estate Commissioners (3) Clara Prewett and others (4) Queen Elizabeth's Training College for the Disabled (5) Dorincourt Estates (6) The Middlesex County Council (7) Ex-Services Mental Welfare Society (8) Cecilie Morva Cameron (9) London County Council and (10) Westminster Bank Limited.

NOTE: Copy filed under SY92971.

- 6 The land edged and numbered 2 in blue on the title plan is subject to rights of drainage and other domestic services.

- 7 The parts of the land affected thereby are subject to the following rights granted in identical terms by two Transfers together comprising land lying to the Norths of the land in this title both dated 5 May 1972 and made between (1) James Cuthbert Prewett (Transferor) and (2) Jack George Jubert and Peter Rowley Jubert (Transferees):-

"TOGETHER WITH the right in common with others to continue the free passage and running of water and soil through the existing sewers and drains as now enjoyed together with the right of entering the property on the South side of Woodlands Lane for the purpose of cleansing and repairing the said sewers and drains subject to paying a fair proportion of the cost of cleansing and maintaining the septic tank situate on the piece of land Ordnance Number 244b."

NOTE: The Ordnance Number 244b is tinted pink on the title plan.

- 8 (07.07.1994) The land is subject to the rights granted by a Transfer of the land edged and numbered SY645058 in green on the filed plan dated 28 June 1994 made between (1) M.P.J. Property Investments Limited and (2) The Secretary of State for Transport

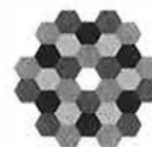
NOTE: Copy filed under SY645058.

- 9 (07.07.1994) By the Transfer dated 28 June 1994 referred to above the land tinted yellow on the filed plan was dedicated to the use of the public forever as a footpath.

End of register

APPENDIX 4

HM Land Registry Application Enquiry



Application Details

Enquiry time: 22 FEB 2024 at 15:01:13

Dealing, 21 DEC 2023

Title Number: SY451552

| | |
|----------------------------|---|
| HM Land Registry Reference | Q950GGT |
| Application Type | Dealing |
| Priority Date | 21 Dec 2023 |
| Priority Time | 16:35:57 |
| Lodged By | TEACHER STERN LLP 37-41 BEDFORD ROW LONDON WC1R 4JH |
| Customer Reference | IS/MGR/SAN023/97 |
| Application Received By | Portal |
| Application Progress | Received: Priority Protected - Awaiting Processing |

APPENDIX 5

Site Visit 26 February 2024







///sorry.boss.topped





///rushed.city.table





///skills.canny.monday



///views.flank.hails



26 Feb 2024 10:41:06
Oxshott
Surrey
England



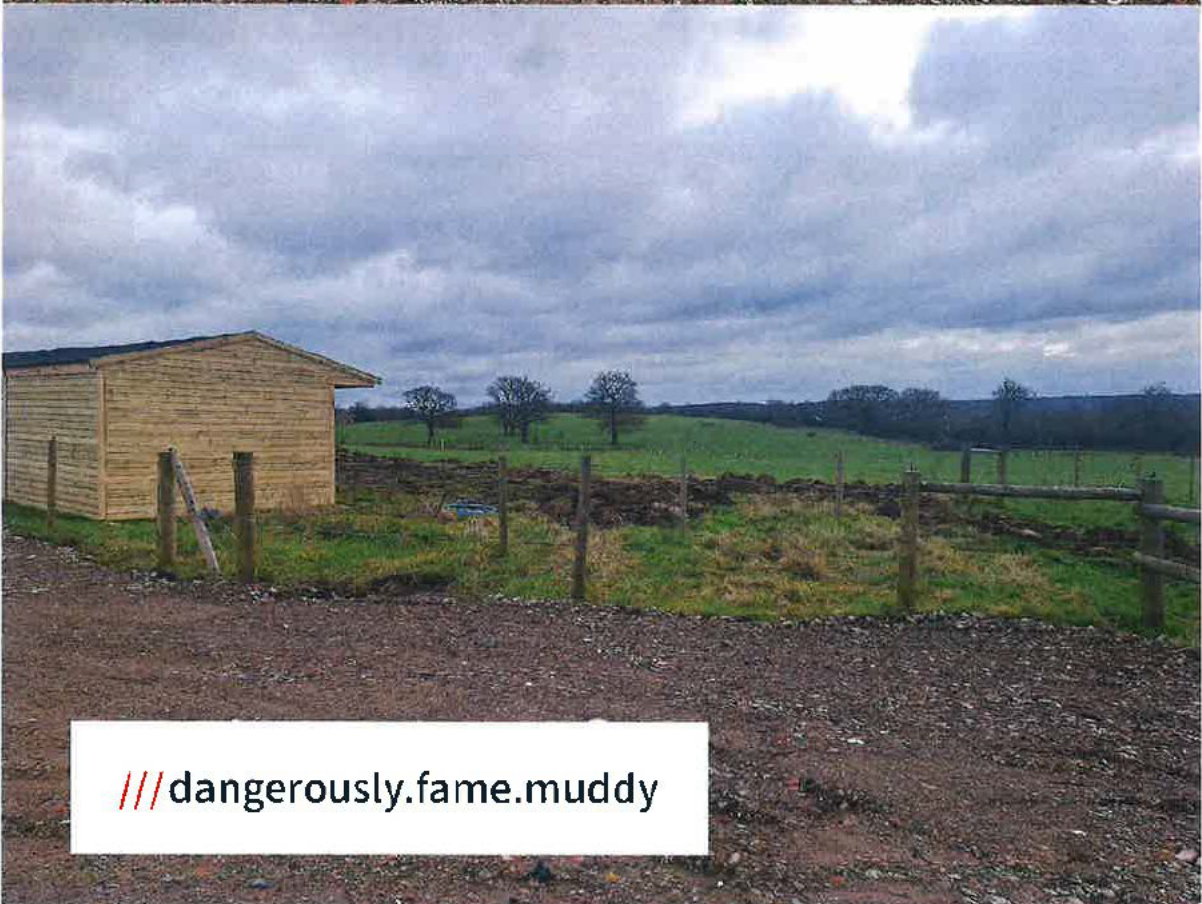
26 Feb 2024 10:42:12
Woodlands Lane
Oxshott
Surrey
England



26 Feb 2024 10:44:12
Woodlands Lane
Oxshott
Surrey
England



26 Feb 2024 10:42:49
Woodlands Lane
Oxshott
Surrey
England





/// sorry.boss.topped





///rushed.city.table





///skills.canny.monday



///views.flank.hails



26 Feb 2024 10:41:06
Oxshott
Surrey
England

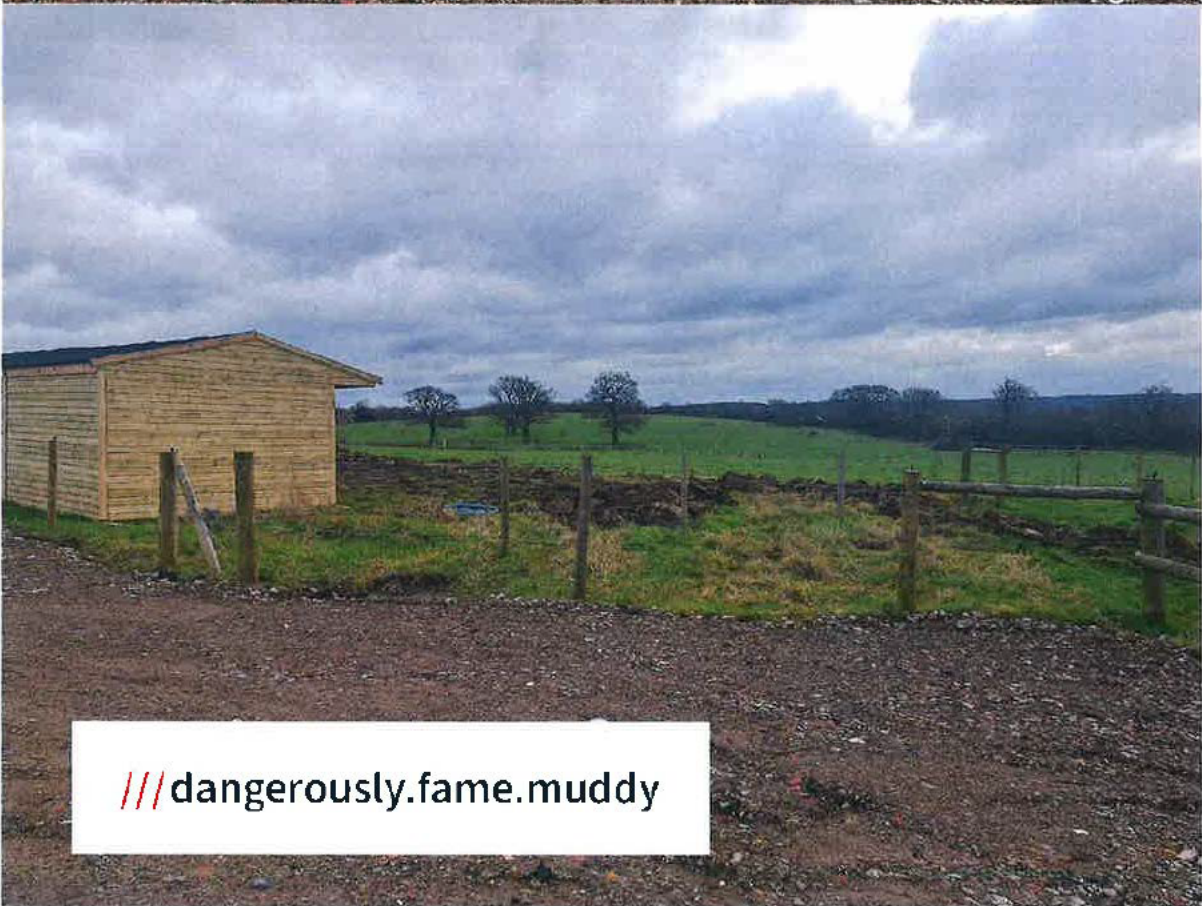




26 Feb 2024 10:42:49
Woodlands Lane
Oxshott
Surrey
England



26 Feb 2024 10:46:11
Woodlands Lane
Stoke D'Abernon
Surrey
England



///dangerously.fame.muddy

APPENDIX 6



26 Feb 2024 17:45:04
Woodlands Lane
Stoke D'Abernon
Surrey
England



26 Feb 2024 17:30:37
Woodlands Lane
Stoke D'Abernon
Surrey
England

APPENDIX 7

Appendix 7 - Sales Advert

Land for Sale Adverts – accessed 29 February 2024,

<https://www.propertyforecaster.co.uk/for-sale/details/25633113>

House For Sale
Woodlands Lane, Cobham, KT11
£490,000

Investment Analysis

| | |
|--------------------------|-----------------|
| Annual Rent | £0 |
| Annual Mortgage Interest | (£15,950) |
| Annual Costs | (£200) |
| Net Profit | £ 16,100 |

Calculators


yield

| | |
|---------------------------------|--------|
| Potential Rent (%PA) | 0.00 |
| Gas Certificate | 0.00 |
| Buildings Insurance (per annum) | 1.00 |
| Gross Yield | % 0.00 |
| Net Yield | % 0.00 |

Appendix 7 - Sales Advert

propertyforecaster.co.uk/for-sale/details/25633113

HM Land Registry | HM Land Registry Login | Convert PDF to Word | Building Control Re... | My Neighbourhood | Planning Inspectorate | Another bite at the... | Assure | Perms



Save

Description | Floor Plan | Street View | Maps

We appreciate the listed price showing isn't necessarily the price you would buy this property for, as it is in auction. However, we hope some confidence can be gained from our system successfully being able to identify this as potentially below market value.

Description Last updated: 23rd February 2024

SUMMARY
AUCTION SALE 12 March 2024 Freehold parcel of land of approx 1.2 acres
Full vacant possession
TO SELL YOUR PROPERTY IN OUR NEXT AUCTION CALL US NOW

DESCRIPTION
 Freehold parcel of land of approx 1.2 acres
 Full vacant possession

Location
 The property is situated off Woodlands Way, located to the west of the Woodlands Park Hotel and well positioned for the amenities of affluent Cobham, Oxshott and Leatherhead. Transport options include road links via the A3, M25 and A245 or rail stations at Cobham & Stoke D'Abernon, Leatherhead and Oxshott.

Description
 A freehold parcel of land with road frontage to Woodlands Way and further access leading off (on the southern boundary)

Site Area
 Approx. 1.2 acres

Potential
 The site may be suitable for alternative uses or development – subject to usual consents and purchasers must rely upon their own enquiries to Elmbridge.

<https://www.zoopla.co.uk/for-sale/branch/barnard-marcus-auctions-hammersmith-57872/>
 Accessed 29 February 2024

zoopla.co.uk/for-sale/branch/barnard-marcus-auctions-hammersmith-57872/

HM Land Registry | HM Land Registry Login | Convert PDF to Word | Building Control Re... | My Neighbourhood | Planning Inspectorate | Another bite at the... | Assure | Firm to develop... | planning applicat... | MyBuckl...

Property type: Any price: Any beds: Search

£16,000 Guide price barnard marcus

Light for sale
 Parky, Oxshott, Surrey

Auction sale 12 March 2024. Freehold land and outbuilding. Full vacant possession. To sell (our property) in our next auction call us now.

Woking 103 miles | West London 101 miles

0203641 8051 | Contact | Save | Hide

£490,000 Guide price barnard marcus

Land for sale
 Oxshott, Surrey

Auction sale 12 March 2024. Freehold parcel of land of approx 1.2 acres. Full vacant possession. To sell your property in our next auction call us now.

Cobham & Stoke D'Abernon 11 miles | Oxshott 11 miles

0203641 8051 | Contact | Save | Hide

Appendix 7 - Sales Advert

Listed on 23rd Feb 2024 by
Barnard Marcus - Auctions, W6

020 3641 4905 ** Contact Save Hide



£490,000 Guide price

barnard marcus

[Land for sale](#)

(East Entrance), Stoke D'Abernon, Cobham KT11

Auction sale 12 March 2024 - Freehold parcel of land of approx 1.2 acres. Full vacant possession. To sell your property in our next auction call us now

3

Listed on 23rd Feb 2024 by
Barnard Marcus - Auctions, W6

Cobham & Stoke d'Abernon (1.1 miles) Oxshott (1.3 miles)

020 3641 4905 ** Contact Save Hide

Accessed 29 February 2024

https://www.zoopla.co.uk/for-sale/details/66715622/?search_identifier=4be0b6314a18e5d9ef777d58f39ecb6008674d0e9e853d6be39d344d8239e6cc

Appendix 7 - Sales Advert

ZOOPLA

For sale To rent New homes House prices Agent valuation Instant valuation

← Back to search results



Share Save

Request more images

AUCTION FREEHOLD

Guide price 0

£250,000 See how much I could borrow

Land for sale

Woodlands Road, Leatherhead KT22

Bar
Auc
View



Call Email



Guide price
£250,000

Save

Land for sale

Woodlands Road, Leatherhead KT22

Auction sale 12 March 2024 Freehold parcel of land of approx 0.42 acres. Full vacant possession. to sell your property in our next auction call...

AUCTION FREEHOLD

Listed on 23rd Feb 2024

Call Email