

Capel Parish Council

16-Apr-2025

Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT 1990
APPEAL UNDER SECTION 174

Site Address:	Riverdale Paddocks, Capel Road, Rusper, Horsham, Surrey, RH12 4PZ
Alleged breach:	See details below
Appellant's name:	Mr Joe Maloney
Appeal reference:	APP/C3620/C/24/3351897
Appeal start date:	02-Apr-2025

I refer to the above details.

I refer to the above details. An appeal has been made to the Secretary of State against enforcement notices issued by Mole Valley District Council on 22 August 2024.

The alleged breach of planning control:

Without planning permission:-

- a) The formation of a vehicular access to the public highway in the approximate location hatched blue on the attached plan.
- b) The erection of a brick wall and entrance gates in the approximate location shaded purple on the attached plan.
- c) The formation of hard surfaced areas in the approximate locations cross hatched green on the attached plan.
- d) The erection of pole mounted external lighting and CCTV cameras in the approximate position marked X on the attached plan.

The enforcement notice was issued for the following reasons:

- i) It appears to the Council that the above breaches of planning have occurred within the last ten years.
- ii) The brick wall, entrance gates second vehicular access, hard surfaced areas and pole mounted CCTV cameras and external lighting are suburban and incongruous in their design and appearance and fail to respect the open rural character of the surroundings. The development is contrary to policy CS14 of the Mole Valley Core Strategy, Policies ENV3, ENV22 and ENV23 of the Mole Valley Local Plan and sections 12 and 15 of the National Planning Policy Framework. The identified harm is such it cannot be adequately mitigated by soft landscaping.
- iii) The Council does not consider that planning permission should be given because planning conditions could not overcome these objections to the development. The Council do not consider that there are any steps short of those required by this notice which can be taken to remedy the breach of planning control.

The appellant has appealed against the notice on the following grounds:

Ground (a) – that planning permission should be granted for what is alleged in the notice.
Ground (c) – that there has not been a breach of planning control.

Ground (d) – that, at the time the enforcement notice was issued, it was too late to take enforcement action against the matters stated in the notice.

Ground (f) – the steps required to comply with the requirements of the notice are excessive and lesser steps would overcome the objections.

Ground (g) – that the time given to comply with the notice is too short.

The appeal will be determined on the basis of an **Informal Hearing**. The procedure to be followed is set out in the Town and Country Planning (Enforcement) (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2002.

If you wish to make comments, you can do so online at <https://acp.planninginspectorate.gov.uk>. If you do not have access to the internet, you can send your comments to:

The Planning Inspectorate
Room 3B
Temple Quay House
2 The Square
Bristol
BS1 6PN.

All representations must be received by **21 May 2025**.

Any representations submitted after the deadline will not usually be considered and will be returned.

The Planning Inspectorate does not acknowledge representations.

All representations must quote the appeal references.

The Planning Inspectorate will not accept interested party comments sent via email. Any comments submitted by email will not be considered and will be returned.

Comments from interested parties on appeals will only be accepted through the Appeals Casework Portal, the link to which is included above, or via letter to Temple Quay House.

Please note that any representations you submit to the Planning Inspectorate will be copied to the appellant and this local planning authority and will be considered by the Inspector when determining the appeal.

If you submit comments and then subsequently wish to withdraw them, you should make this request to the Planning Inspectorate by the date above.

The appeal documents are available for inspection at www.molevalley.gov.uk.

You can get a copy of one of the Planning Inspectorate's "Guide to taking part in enforcement appeals" booklets free of charge from GOV.UK at <https://www.gov.uk/government/collections/taking-part-in-a-planning-listed-building-or-enforcement-appeal> or from us.

When made, the decision will be published online at <https://acp.planninginspectorate.gov.uk>

Yours faithfully

A handwritten signature in black ink, appearing to read 'P. Mason', with a long horizontal flourish extending to the right.

Piers Mason
Executive Head of Service

Linked cases: APP/C3620/W/24/3347869