

From: [Clive Smith](#)
To: [Darren Gregory](#)
Cc: [REDACTED]
Subject: Re: Planning Enforcement Ref: EN/23/00197 RE: Land on the south and east sides of Chase Cottage, Sutton Place, Abinger Hammer, Dorking, RH5 6RP"
Date: 18 March 2024 18:27:26
Attachments: [Outlook-bbe5k2d1.jpg](#)

Dear Darren,

Thank you for that clarification. I hope the Article 4 Direction is confirmed within the 6 month expiry period as I am not aware that the reason for making the Order has changed, at least to a point where it is considered no longer to be necessary.

The Council may like to take into account that the Levelling -Up and Regeneration Act 2023 that came into force in December strengthened the legal duty of a Planning Authority and other public bodies that in making decisions, especially planning decisions, that they " must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty". This is an active requirement that did not previously exist in the "duty of regard' in the Countryside and Rights of Way Act 2000 (CROW Act) that was a passive requirement.

Consequently, it seems that the Council is legally obliged if deciding not to confirm the Article 4 Direction to publish the reason why that decision would further the purpose of conserving and enhancing the AONB. That is unless it is clearly in the public interest for other relevant planning reasons for it not to be confirmed.

I hope you do not mind me drawing attention to the 2023 Act about which I am aware not everyone knows yet. We are awaiting further guidance from Defra on its implementation which is expected in May.

Kind regards

Clive Smith
Surrey Hills AONB Planning Adviser
07769276956



From: Darren Gregory <Darren.Gregory@guildford.gov.uk>
Sent: 18 March 2024 16:09
To: [REDACTED]
Cc: Clive Smith <clive.smith@surreycc.gov.uk>
Subject: RE: Planning Enforcement Ref: EN/23/00197 RE: Land on the south and east sides of Chase Cottage, Sutton Place, Abinger Hammer, Dorking, RH5 6RP'

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Dear [REDACTED]

Thank you for your email.

You are correct that when a Council makes an Article 4 Direction it remains in force for a period of six months from the date on which the Direction comes into effect and then falls away unless the Direction is confirmed by the Local Planning Authority (LPA) before the end of the six month period.

Where you are incorrect is in your second paragraph. When an Article 4 Direction is made there is a period of 21 days after within which representations concerning the direction may be made to the LPA. That 'consultation' period expired on the 3rd of January 2024. Officers will now consider any representations submitted and any other material planning consideration before taking any decision to confirm the Direction before the expiry of six months from when the Direction was made. The LPA has until the 11th of June 2024 to confirm the Direction.

I will of course update you with the outcome of the investigation and at any relevant point during the investigation.

Kind regards

Darren

The contents of this email are the opinion of the named officer and are given without prejudice. If the contents relate to a matter of planning law they are not legally binding, should you wish for a lawful determination of a planning matter then you are advised to apply for a Lawful Development Certificate.

Darren Gregory
Senior Planning Enforcement Officer
Planning Services

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From: [REDACTED]
Sent: Thursday, February 29, 2024 7:24 AM
To: Darren Gregory <Darren.Gregory@guildford.gov.uk>
Cc: Clive Smith <clive.smith@surreycc.gov.uk>
Subject: Re: Planning Enforcement Ref: EN/23/00197 RE: Land on the south and east sides of Chase Cottage, Sutton Place, Abinger Hammer, Dorking, RH5 6RP'

Dear Darren and Clive

I would be grateful if you could update me on the progress of this Article 4 Direction please. I note it has only been issued on a temporary basis ie 6 months, with the land still very much under threat. It runs out in June, without the council taking further action.

My understanding is that a more formal planning style process should be undertaken now, with a consultation period, in order to make the Article 4 permanent ? We were very concerned that it took 9 months after Clive, the AONB planning adviser, had alerted the council to the urgency of this threat to this part of the AONB, for what turned out to be only temporary protection. We had assumed the Article 4 would be permanent.

June will be upon us all too soon, releasing this land once more to the threats it faced before.

Many thanks for clarifying as to how this can be made permanent and remove the spectre of a multitude of tiny land parcels being demarcated by fencing, each with its own structure/s on

Kind regards

[REDACTED]

On 15 Dec 2023, at 10:55, darren.gregory@guildford.g

Dear Sir/Madam

**EN/23/00197 - Article 4 Direction request.
Land on the south and east sides of Chase Cottage, Sutton Place,
Abinger Hammer, Dorking, RH5 6RP'**

Please see the attached letter regarding the above matter.

Regards

Darren Gregory, Planning Enforcement Officer
Planning Enforcement

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