

Appendix 12

Anthony Gallagher Statutory Declaration

Statutory Declaration

In support of Appeal Reference APP/D3640/C/22/3312913 and Linked Appeal References APP/D3640/C/22/3312915 and APP/D3640/C/22/3312916, against Surrey Heath Borough Council Enforcement Notice reference 20/0019/ENF at:

Land at Easigrass, Hillings Nursery, Bagshot Road, Chobham, GU24 8DB

I, **Anthony Gallagher, managing director of Easigrass Distribution Ltd**, solemnly and sincerely make this Statutory Declaration in support of Appeal Reference APP/D3640/C/22/3312913 and linked appeal references APP/D3640/C/22/3312915 and APP/D3640/C/22/3312916 against Surrey Heath Borough Council Enforcement Notice reference 20/0019/ENF.

In this declaration I use the following descriptions of the land that we own or lease:

- The "Ownership/Lease site" (OLS), which is the area of land shown in Exhibit 1.
- The "Planning Unit Site" (PUS), which is the area of land shown in Exhibit 2.
- The "Enforcement Notice Site (ENS)", which is the area of land shown in Exhibit 3.

The ENS falls entirely within the PUS. The PUS falls entirely within the OLS.

I DECLARE AS FOLLOWS:

1. I have been in the artificial grass industry for 19 years. My younger brother founded the company Easigrass, with a focus on sports. My role in the business was to expand and grow the domestic horticultural side of the business. To segregate ourselves from other players in the market, we started attending the Chelsea Flower Show, to move into domestic landscape and horticulture. We became a national franchise business, and we now have 35 franchises operating around the UK, as far north as Aberdeen and as far south as Cornwall. We supply and fit artificial grass, and part of that involves the introduction of real flora and fauna. I'd say 80% would be artificial grass and the remaining 20% would be landscaping of living flowers and shrubs. We see ourselves as a horticultural business and we are in all the main horticultural associations, including BALI, HTA, Guild of Master Craftsmen, ISO 14001 and 9001. We are a fully accredited organisation and are independently audited.
2. I found out about the appeal site when we were offered the opportunity of acquiring some additional land to operate on, with the initial introduction through Mark Gregory at Landform. We inspected the land and realised it was a good site.
3. We moved onto the site in 2015. I attach as Exhibit 4 a series of photographs I took in 2015. You can see from these photographs that a tarmac and road planning surface



existed on the site before we arrived. It was a hotchpotch. We improved the surfacing of the site before we moved onto it.

4. We decided to run two elements of our business from this site. An artificial wall business and a sculptured animal business. We cut and prepare artificial grass ready for distribution. We undertake the full supply and install of gardens from here. This requires aggregate and other materials, which are stored on this site. We have an element of growing on the site, that we offer as part of our overall landscaping service. All plants are grown on the site and we offer the supply and installation of trees, shrubs and plants from the site. I'd estimate that up to 10% of the site area is for growing, but that changes subject to requirements and demands. We also end up with removed vegetation on the site and put these in the green waste bins. This is grab trucked away.
5. We also distribute our products to franchisees, who are either Easigrass retail outlets or franchises within garden centres and around the UK.
6. I would describe the operation that is taking place at this site as the supply and fit of artificial grass and horticultural products to individual gardens around the UK and to the various outlets, with a significant storage element. We are similar to Landform in that we have the same types of use taking place. We also distribute EasiAnimals around the world from this depot, which is a very small part of the business. We started using the offcuts of artificial grass to decorate large animal statues as something to do which would improve the appearance. We felt that the people using Chobham Adventure Farm might see them and appreciate them. Our employees make these when they are not busy, so it is a bit of a hobby that they can do inside or outside.
7. So overall it would be primarily a storage/distribution depot as well as growing plants and a landscaping business, including storage of landscape supplies. We work closely with all leading garden designers, including Landform on the same site. We also work with national developers, St George, Keegans, etc.
8. Inside the containers we store plywood, wood edging, agricultural machinery, maintenance equipment, aggregate, grit, sand, tubes, small hand held machinery, ride on mowers, maintenance equipment. We keep a stock of artificial flowers (these are put together off site).

Mixed Use

9. I refer to my Exhibit 5, which is comprised of aerial images from January 1999 (Figure Number 1) and March 2022 (Figure Number 25). These images contain a red line around the land that I understand is currently used by Easigrass (Distribution) Limited, Landform, Andy Thorne Groundworks, RSR Tree Surgeon and T.Hilling & Co Ltd. A number of other organisations/people have occupied this land since 1999. The red line on Exhibit 2 is the Planning Unit Site and the blue line on Exhibit 1 is the remainder of the Ownership/Lease Site.

10. Figure 15 (June 2015): I remember coming onto site and seeing the Morris Leslie operation. I noted that they used shipping containers to create a perimeter to secure the plant and machinery. These can be seen on the north west part of the site. There was agricultural machinery and plant machinery on the site. From what I could see the remainder of the site was used for storage of landscape materials and also growing in the area to the south east, where there was a growing house, with plants indoors and outdoors. I can see our machinery resurfacing the central section to tidy up the 'hotchpotch' surfacing.
11. Figure 16 (March 2017): In this photograph it can be seen that Morris Leslie had left the site. Our storage shipping containers are clearly on site at this time. This work was carried out in 2015/2016. These were used as a natural barrier to secure that part of the site. East of the shipping containers was a general storage and growing area used by both ourselves and Landform. This is all mixed and there is no way of separating this. The parking area was used by operators, visitors and by Landform. The whole of this area was a shared area between Landform, Easigrass and T Hilling.
12. Figure 17 (May 2018): There is no change in May 2018, other than the hardstanding for the car wash being inserted to the west of the main entrance.
13. Figures 18 to 25 show no real change, but at some point in this period, Andy Thorne (ground worker) started also sharing this area, mainly using the north eastern corner (outside the ENS).

Retail Use

14. The attraction of the EasiAnimals has caught the interest of some people who were attending Chobham Adventure Farm, so they've come to have a look at them. Because of that, we made sure to put up visitor signage to keep people safe. Very little retail activity has taken place at any part of the PUS in the time that I have worked here. This site is a commercial site and we do not promote retail sales. From time to time somebody will turn up, or see it while passing, and express an interest in buying something. We will talk to them and explain how it works and arrange a survey of their garden. When people do rarely purchase something from the site, it might be a small item that can be placed in the boot of a car, or it could be something that we would deliver. Most sales would be to trade, landscapers or other businesses, rather than to the public. But I would not describe that as a retail operation overall. Therefore, I would say a small amount of ad hoc ancillary retail is taking place. This site is primarily cutting, preparation and producing grass covered animals, growing plants and storage of materials.

Hardstanding

15. We have made changes to the hardstanding on various parts of the ENS, but this is from one form of hardstanding to another (tarmac/road planings to concrete, which is easier to maintain).



Flat Roof Structure

16. The Enforcement Notice reference 20/0019/ENF seems to identify two different structures. Based on the photograph accompanying the Enforcement Notice the Council appear to refer to the sloped roof lean-to next to the shipping containers, which they call a flat roof structure. For the sake of clarity I will refer to that as the Flat Roof Structure because that is how it is described in the enforcement notice. It was started in June 2019 and finished in early July 2019 and I corroborate this. You can see on the aerial images that the building is not there in June 2019 but it is by September 2019.

Shipping Containers

17. I produced a Statutory Declaration in support of application reference 19/2275/CEU enclosed at my Exhibit 6. The application was for a Certificate of Lawfulness of Existing Use or Development for the siting of storage containers. In that Statutory Declaration, I declared that the containers have been stationed on the land outlined in red (as shown in that accompanying Figure 1 site location plan) and that they were used as storage related to the activities on the site since July 2015. I corroborate this remains the case today, and the number of containers has not changed. When they are placed on site, they stay on site.

18. The wording of that Statutory Declaration is

"1. I have been in the employ of Easigrass (Distribution) Ltd since 2 February 2010 and as Managing Director of the Chobham Depot since 18 June 2015. My role includes general management of the site and management of the business day-to-day operation on the site.

2. By 18th July 2015 we prepared the site and the ground to receive a number of containers which were purchased from 1st Containers (uk) Ltd. On 19th July 2015 the containers were stationed on site.

3. Since that date, the containers have been stationed on the land outlined in red as shown in Figure 1 (site location plan) submitted with this planning application and have been used as storage related to the activities on site".

19. We decide to paint them all green so they were consistent in colour. The number of containers does not change, but the first floor level (the top level) can move and their position does change to accommodate demands

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act 1835.



Declared by Andrew Gallagher

Signature 

This 27 day of May 2023



This is Exhibit 1 (Ownership/Lease Site (OLS)) referred to in the Statutory Declaration of **Andrew Gallagher**

DECLARED AT

This *27th* day of *May* 2023

BEFORE ME

Commissioner for Oaths/Solicitor



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CONTRACT
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Legend:

Ownership/Lease Site

29.1m

A 319

Brook Lane

Drain

FB

FB

Drain

Prestons

Hillings Nurseries

Mast Path (unm)

Chobham Adventure Farm

Chobham Vicarage

Actonarth House

Brook View

Brook View

Brook View

Brook View

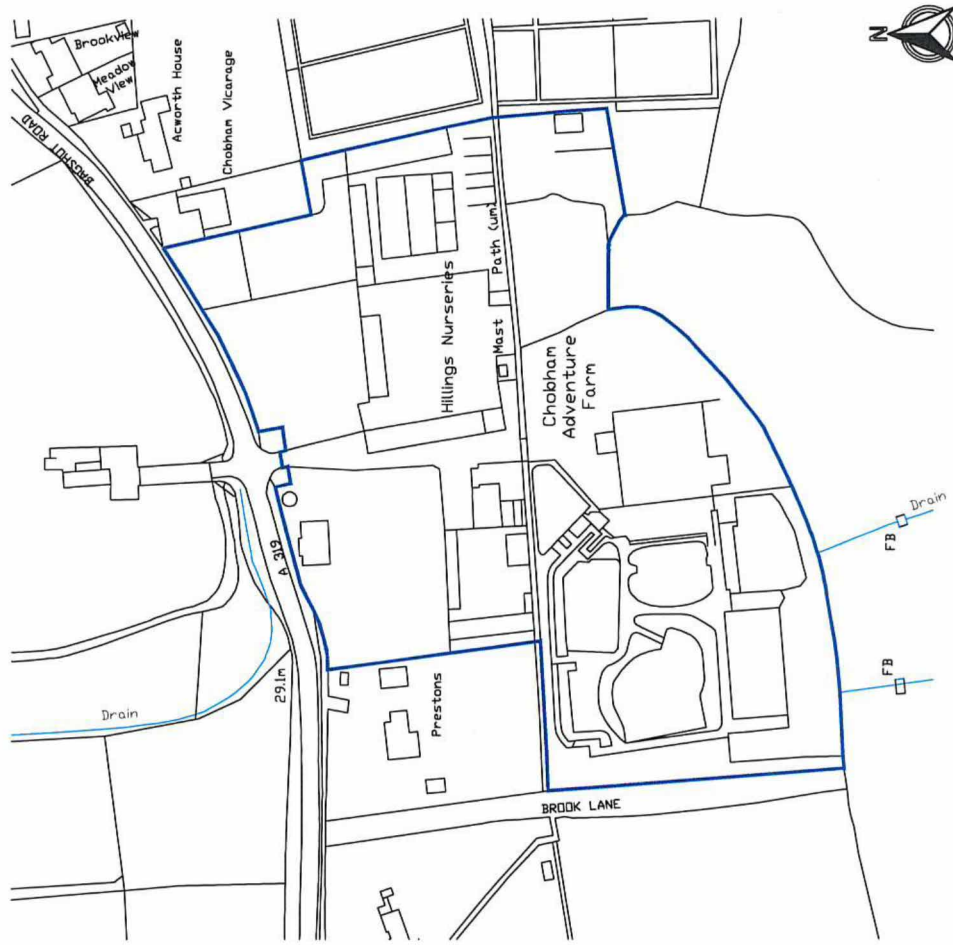
Brook View

Brook View

Brook View

Brook View

Brook View



Produced on 11 October 2022. This is the final design for the proposed development. The client is responsible for the correct and timely provision of all necessary information and approvals to the relevant authorities. The drawing is to be used in conjunction with the relevant Building Regulations and the Local Authority Planning Building Control and Planning Departments.

| Rev | Description | Drawn | Dim | CHK |
|-----|----------------------|-------|----------|---------|
| A | Legend note amended. | 1 | 16/05/23 | PH / AR |



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 E info@araco-design-studio.co.uk



Address: Beggott Road
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 Woking
 GU24 8QB

Client: Easigrass Distribution Ltd

Drawing Size: Scale: Drawn by: PH

Project No.: Work Stage: Drawing No: 8762 C-03-a

Planning: 03-a

Site Location Plan: As Existing




This is Exhibit 2 (Planning Unit Site (PUS)) referred to in the Statutory Declaration of **Andrew Gallagher**

DECLARED AT

This *27th* day of May 2023

BEFORE ME

Commissioner for Oaths/Solicitor


DR. FANNY MBEALLM. MPhil, FRCGS (19800)
MRM SOLICITORS
Solicitor and Commissioner for Oaths
2nd Floor, South Road
Scoiléal, UB7 1SQ
Tel: 020 350 2141/Fax: 020 8571 0811



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CONSTRUCTION
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Legend:
 Planning Unit, Site

| Rev | Description | Date | By | CHK |
|-----|----------------------|----------|----|-----|
| A | Legend note amended. | 15/05/23 | PH | AR |

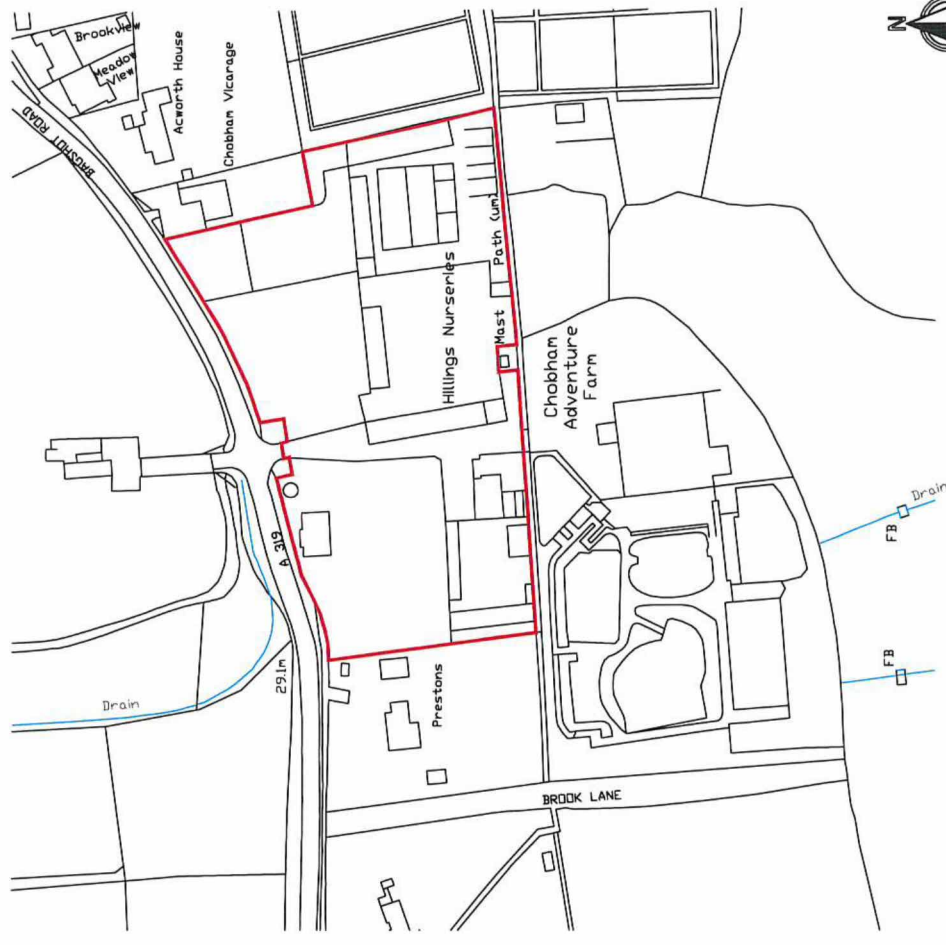


Address: Bagshot Road
 Chobham
 Woking
 GU24 8DB

Client: Easigrass Distribution Ltd

| Drawing Size | Scale | Drawn by |
|--------------|------------|-------------|
| A2 | 1:1250 | PH |
| Project No. | Work Stage | Drawing No. |
| 8762 | Planning | 02-a |

Site Location Plan
 As Existing



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This is Exhibit 3 (Enforcement Notice Site (ENS)) referred to in the Statutory Declaration of **Andrew Gallagher**

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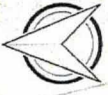
This *27th* day of May 2023

BEFORE ME

Commissioner for Oaths/Solicitor



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Acworth House

Chobham Vicarage

Graveyard

Path (um)

Chobham
Adventure
Farm

A 319

29.1m

Prestons

BROOK LANE

Strawcock Field

This is Exhibit 4 (2015 Assorted Photographs) referred to in the Statutory Declaration of **Andrew Gallagher**

DECLARED AT

This *27th* day of May 2023

BEFORE ME

Commissioner for Oaths/Solicitor



DI. FAHM
MBM SOLICITOR
Solicitor and Commissioner for Oaths
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Southall UB1 1SQ
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This is Exhibit 5 (Aerial Images January 1999 – March 2022) referred to in the Statutory Declaration of **Andrew Gallagher**

DECLARED AT

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Project Clopham Adventure Farm

Title Aerial Imagery
25/08/2002 - Google Earth

Status DRAFT
 Drawn By JM
 Project Number NP12600
 Scale @ A3 1:900
 Date Created MAY 2023
 PMChecked By DH
 Figure Number 2
 Rev -

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Title Aerial Imagery

08/01/2005 - Google Earth

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Figure Number 3

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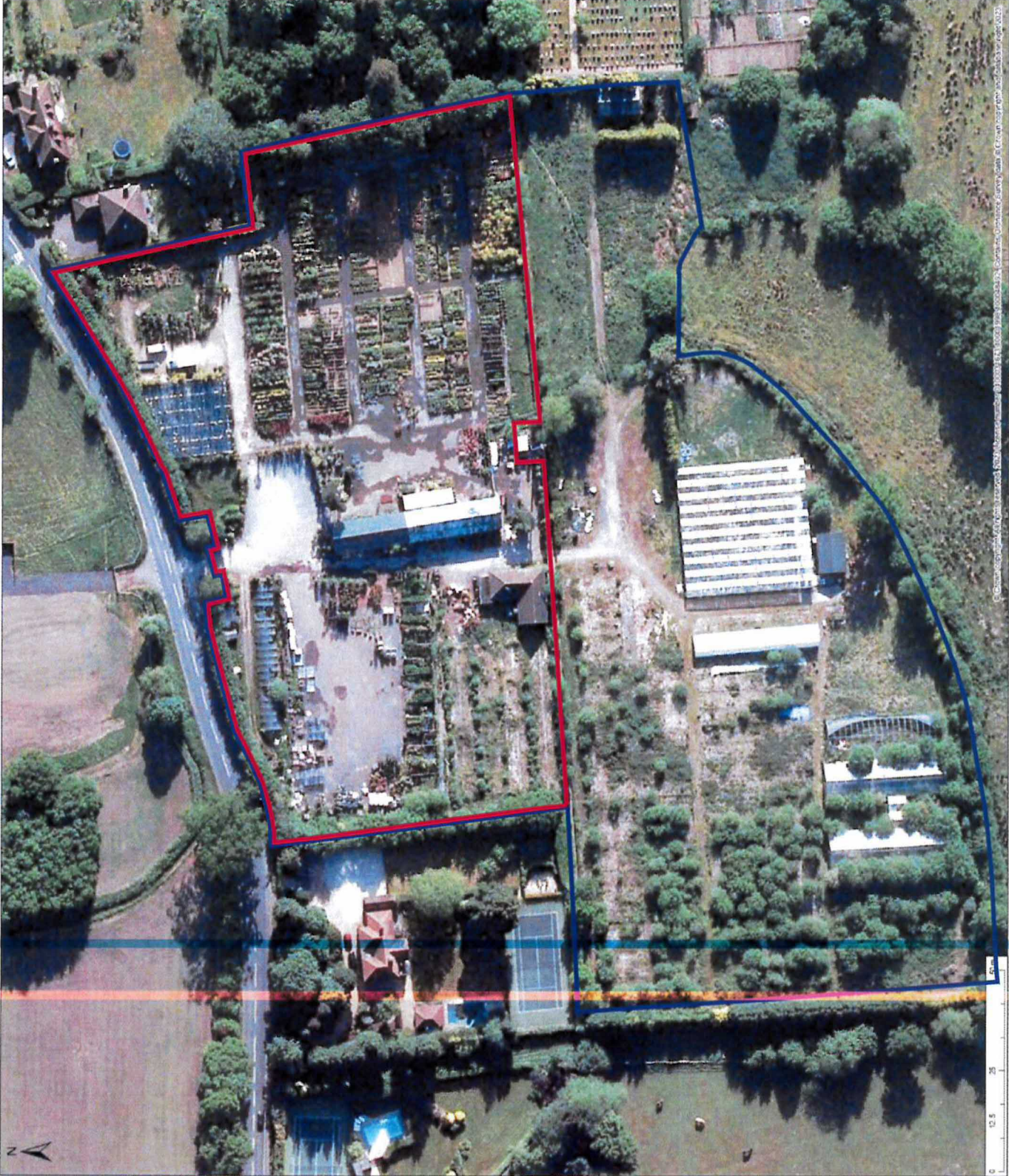


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Title - Aerial Imagery
 24/05/2009 - Google Earth

Status - Drawn By: PM/Checked By: DH
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Project: Clopham Adventure Farm

Title: Aerial Imagery
28/06/2010 - Ordnance Survey

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Title Aerial Imagery

25/09/2010 - Geomapping

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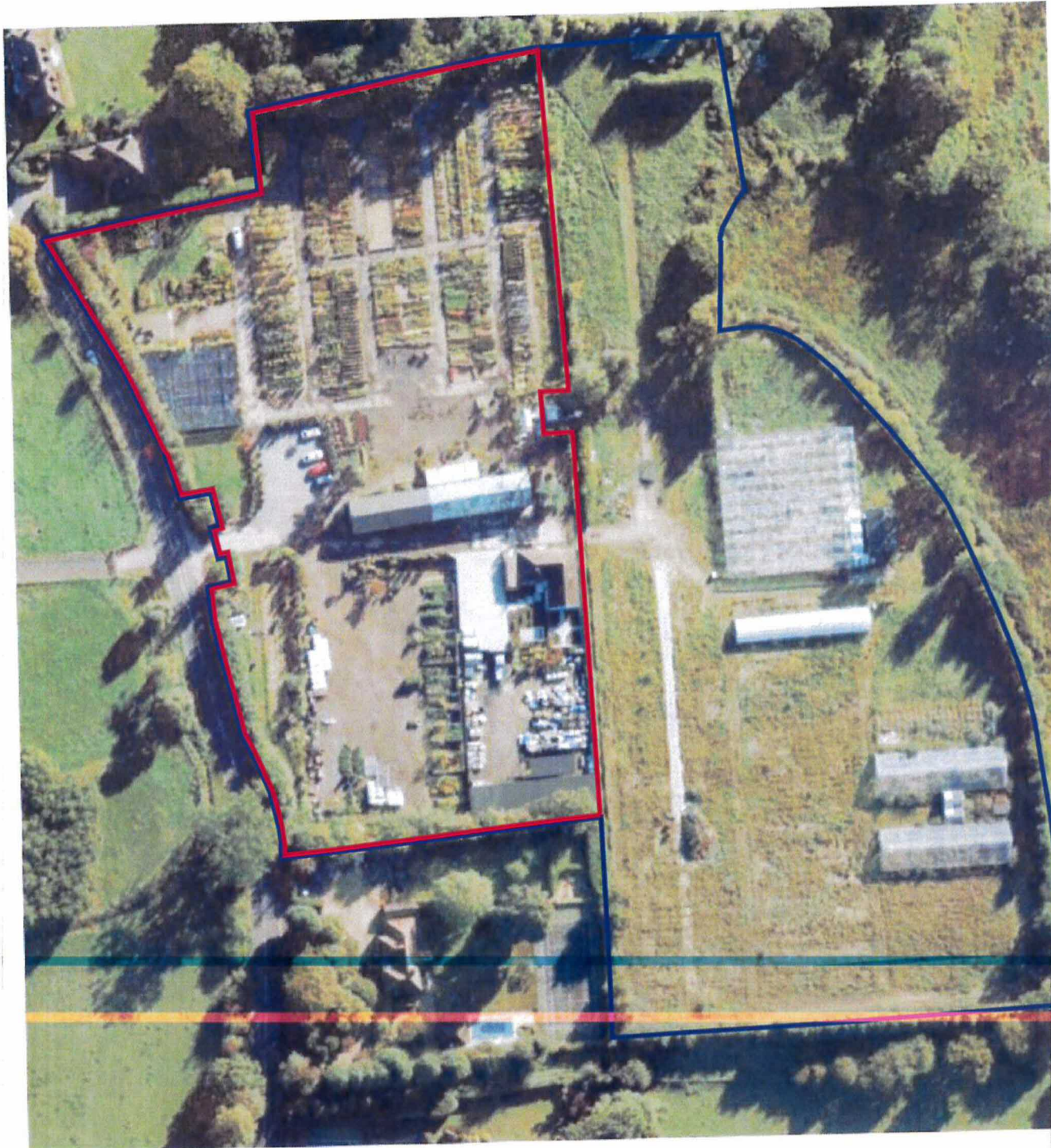
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Title Aerial Imagery

Status 11/07/2011 (L) & 01/10/2011 (R) - ESRI

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Client -

Project Clopham Adventure Farm

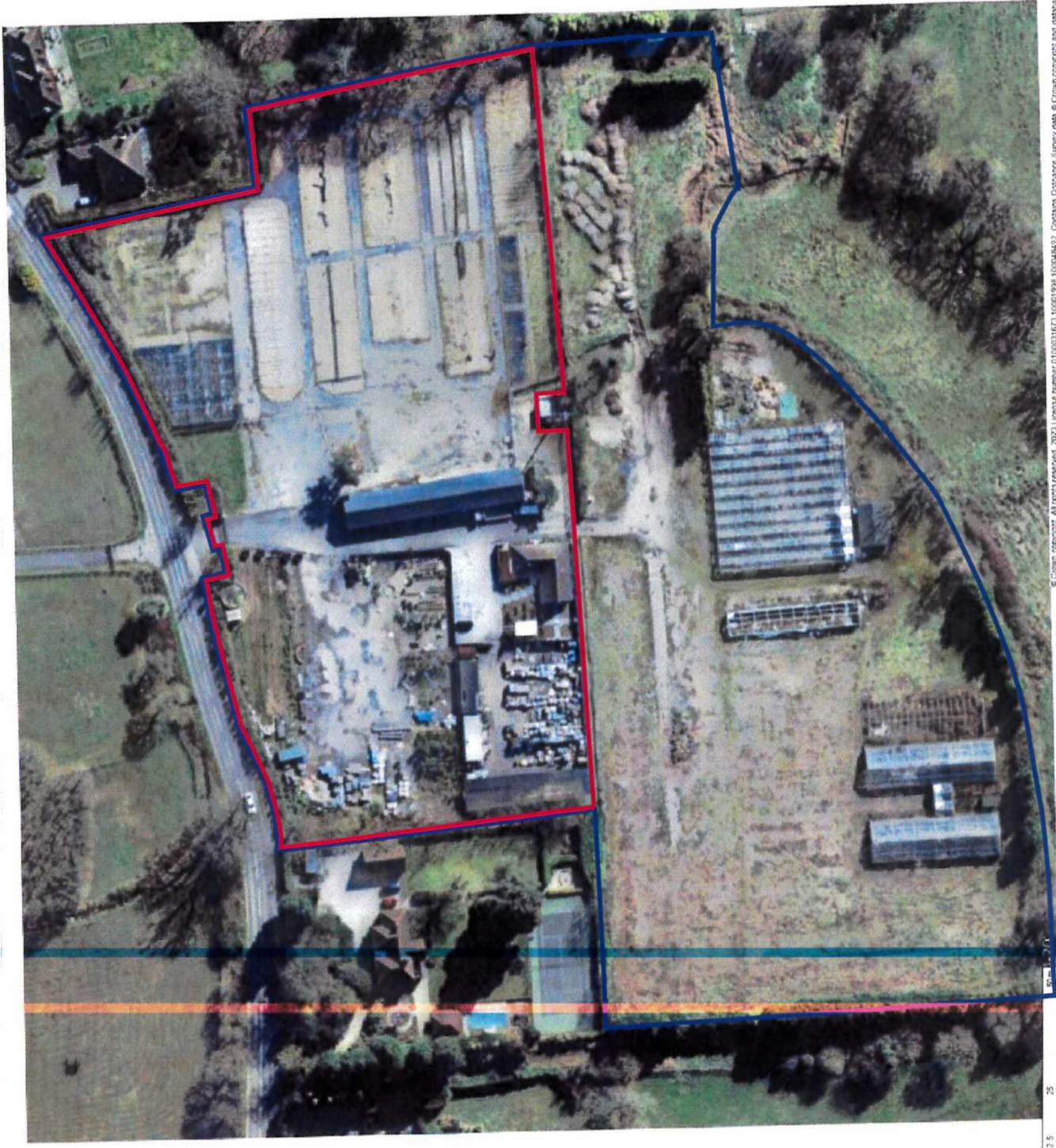
Title Aerial Imagery - Gemmapping
20/04/2013

Status DRAFT Drawn By JM PM/Checked By DH

Project Number NP12600 Scale @ A3 1:900 Date Created MAY 2023

Figure Number 11 Rev -

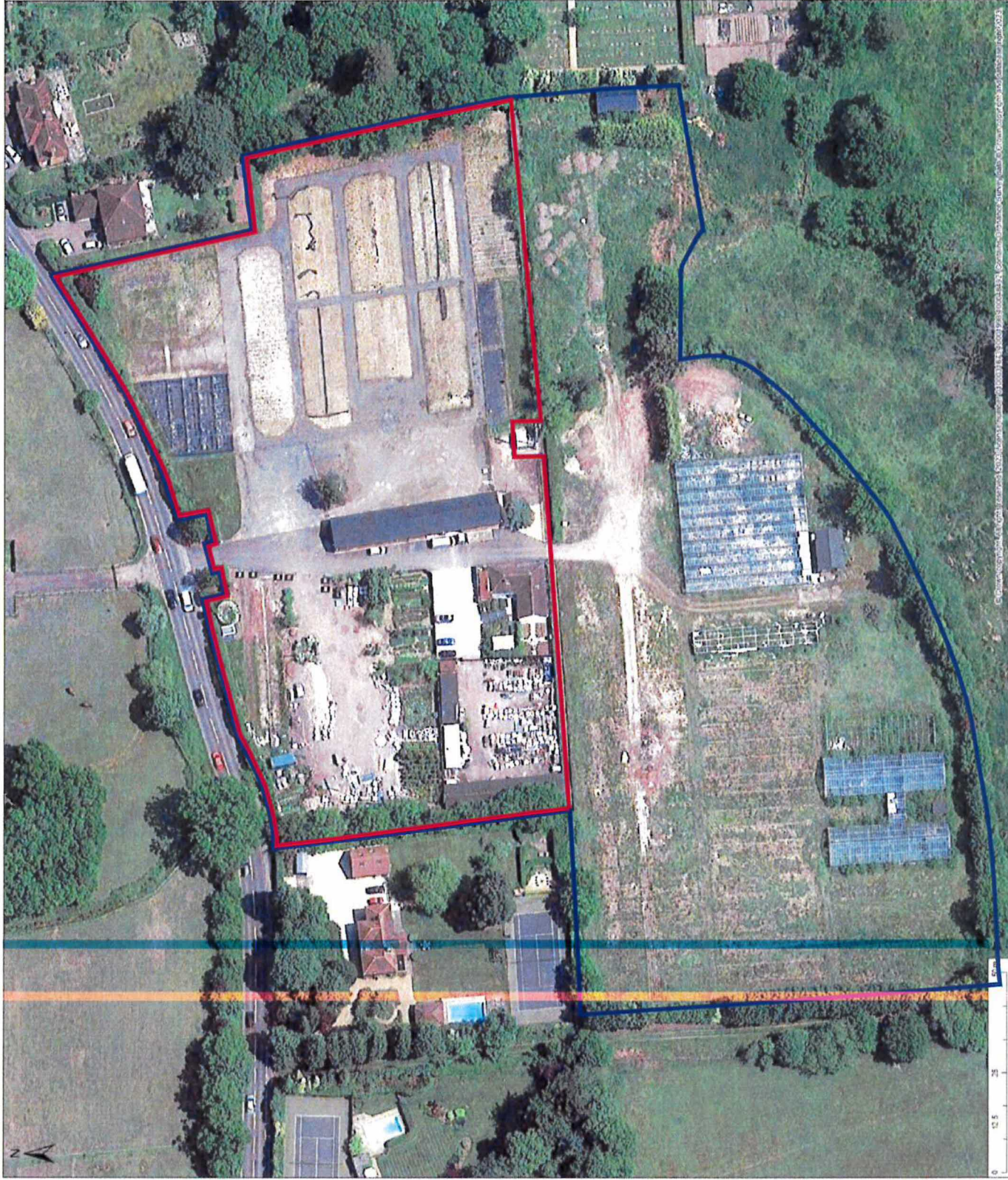
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Client -

Project - Clopham Adventure Farm

Title - Aerial Imagery
06/06/2013 - Google Earth

Status - DRAFT

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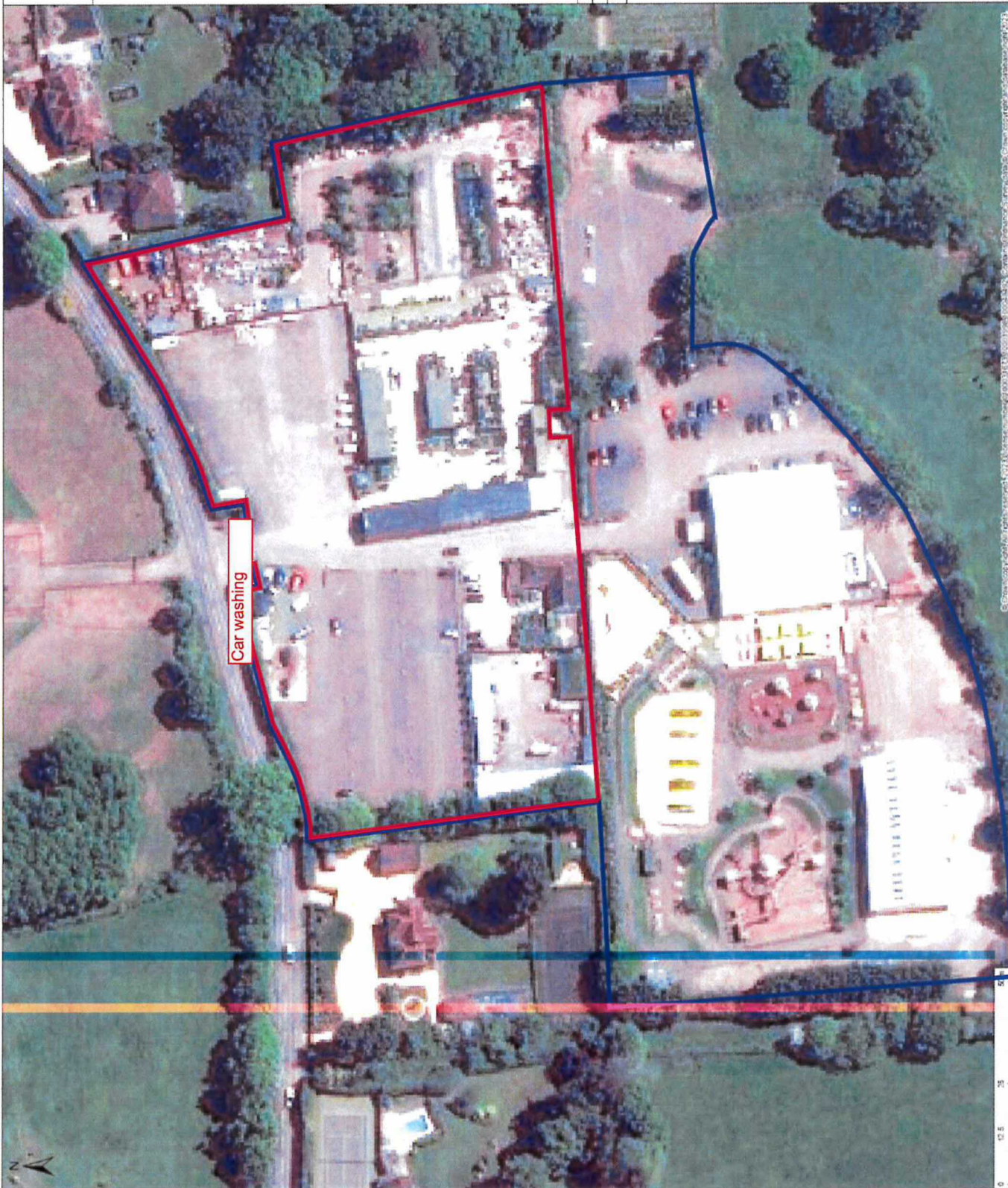
| Rev | Description | By | CB | Date |
|-----|-------------|----|----|------|
| | | | | |



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Client -
 Project Clopham Adventure Farm
 Title Aerial Imagery
 15/05/2018 - ESR1
 Status DRAFT
 Drawn By JM
 Project Number NP12600
 Scale @ A3 1:900
 Date Created MAY 2023
 Figure Number 17
 Rev -
 PM/Checked By DH
 Date Created MAY 2023

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Legend

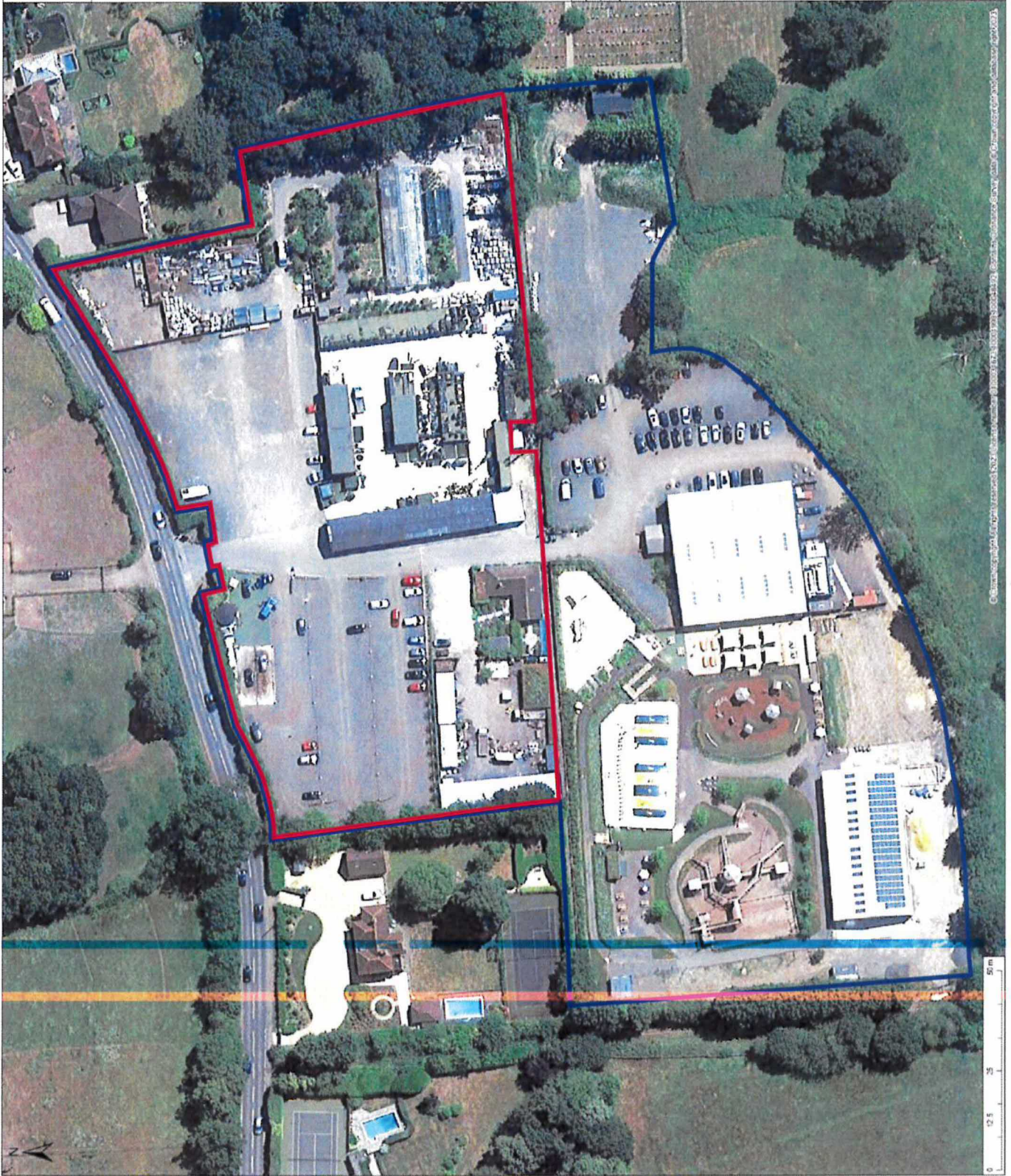
| Rev | Description | By | CB | Date |
|-----|-------------|----|----|------|
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| | | | | |



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Client -
 Project Clopham Adventure Farm
 Title Aerial Imagery
 23/06/2018 - Google Earth
 Status DRAFT
 Drawn By JIM
 PM/Checked By DH
 Project Number NP12600
 Scale @ A3 1:900
 Date Created MAY 2023
 Figure Number 18
 Row -

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Legend

| Rev | Description | By | CB | Date |
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Client -

Project Clopham Adventure Farm

Title Aerial Imagery
08/10/2018 - Ordnance Survey

Status DRAFT Drawn By JM PM/Checked By DH

Project Number NP12600 Scale @ A3 1:900 Date Created MAY 2023

Figure Number 19 Rev -

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Client -

Project - Clopham Adventure Farm

Title - Aerial Imagery
29/06/2019 - Bluesky

Status - DRAFT
Drawn By - JM
PM/Checked By - DH

Project Number - NP12600
Scale @ A3 - 1:900
Date Created - MAY 2023

Figure Number - 20
Rev -

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