

# Appendix 9

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Bradley Smith 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, Bradley Smith, are employed by Landform as their Yard Foreman. I 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:

- 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.

I am told the ENS falls entirely within the PUS and the PUS falls entirely within the OLS.

### **I DECLARE AS FOLLOWS:**

1. I was first employed at the PUS by Johnsons of Whixley Ltd in 2006. When Johnsons left the site in 2011, I was immediately employed by Landform Consultants, and has remained on site to the present day.
2. It has always been very normal for me to help out all the companies on the site even through I'm only employed by one company at a time. What I would do is load and unload the vehicles bringing landscaping materials, plants, machinery and equipment to the site for either company, particularly if there was nobody else who could do it.
3. This is really normal for all of us who can do this job. Eugene, who is an Easigrass employee, will unload for Landform if people are not around to unload, or are unavailable. All this unloading would take place across the whole northern area of the PUS. Vehicles would arrive (usually articulated lorries and large vans) would park up on the site to be unloaded. Sometimes they would stay overnight until the morning when staff arrived for work.
4. I would run the forklifts all around the north, and to the east and west to unload/load and place goods. This was due to the movement of customer orders into various holding areas, for their subsequent loading. Where the lorries were not turning and loading/unloading, I've seen people parking their cars. That might be customers or staff


but I also often see people who I believe are not associated with the businesses on the site.

5. Once Landform had come to site and Johnsons were leaving, one of the key reasons I was employed by Landform was because of all the work I had already been doing for them, and because I knew exactly what had to happen with deliveries. So it was a seamless transition from Johnsons.
6. Johnsons was a three-generation family business from Yorkshire providing horticultural services throughout the UK and the Greater London Area, and the site was operating as the southern depot for the Johnsons business. This was for both storage and growing that would then be distributed to London and the south east. Enclosed at my Exhibit 4 is a 2011 amenity catalogue brochure advertising some of the variety of products that Johnsons would have on site. They had another depot in Yorkshire. Their main growing area was in Yorkshire. This depot was like a holding depot for growing items and storing items that were to then move into other locations. That included pots, water irrigation systems, growing mediums and nutrients. My exhibit 4 shows what sorts of items they worked with. I saw people working with, maintained, growing-on, using or assisting in the loading/unloading of everything on that catalogue. They offered such a large range of items from aggregates, to 25ft bamboo. There was a constant turnover and supply of the items on the site. Johnsons used all of the land in the Planning Unit Site (Exhibit 2)
7. During all of my time on the site, I have seen vehicles use the land shown in yellow on the Notice. During my time with Johnsons, those vehicles have included articulated lorries which have been arriving at the site for the loading and unloading of plants, some of which have been large and some which have been smaller. The lorries would park up on the site to be unloaded in the morning when staff arrived for work, so they could be there all night. All the land shown yellow on the Notice, and the land to the east and west would have been used intensely for forklift truck activity due to the movement of customer orders into various holding areas, for their subsequent loading. Where the lorries were not turning and loading/unloading, people would park their cars. That might be customers or staff.
8. When Landform arrived in 2009 they immediately had a good relationship with Johnsons as they were already customers, and they both shared what I have been shown is the Planning Unit Site (Exhibit 2).
9. Landform were initially mostly in a compound, but they shared the PUS with Johnsons for vehicle parking, loading and unloading, forklifting, and storing mixed aggregates and sleepers, stakes, dressing stones as well as holding plants of various sizes.
10. When I was working for Landform back in 2011 they were growing the business. The whole PUS site was continued to be used by companies, these include (as well as my current employers Landform) Morris Leslie, Easigrass, RSR tree surgery, Andy Thorne

Groundworks, and the landlord owner T Hilling and Co. The used the land for varied activities, such as for car park, dispatching, temporary generator location, and a general storage area for many different types of agricultural, commercial, and privately owned vehicles. These include cars, vans, lorries, motorhomes, forklifts, 360 excavators, dumper trucks, telehandlers, tractors etc. to name a few. People not associated with these businesses had been parking, largely wherever they could, all over the PUS site since around 2009 – 2010.

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 Bradley Smith

Signature..........

This...<sup>30<sup>th</sup></sup>...day of...<sup>MAY</sup>.....2023

Declared at Chobham Adventure Farm, GU24 8DB  
This 30<sup>th</sup> Day of May 2023

Before me



GREGORY BARNBROOK  
Solicitor

**KEYSTONE LAW**

48 Chancery Lane, London  
WC2A 1JF Tel: 020 3319 3700  
[www.keystonelaw.co.uk](http://www.keystonelaw.co.uk)

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

DECLARED AT *Chobham Adventure Farm, GU24 8DB*

This *30<sup>th</sup>* day of May 2023

BEFORE ME



*GREGORY BARNBROOK*

~~Commissioner for Oaths/Solicitor~~

**KEYSTONE LAW**

48 Chancery Lane, London  
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**NOTES**

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**GENERAL CONDITIONS**

1. This drawing is to be read in conjunction with all the notes.

**PROVISIONS**

1. The drawings are shown to the appropriate scale in conformity with the notes.

**NOTES**

1. The drawings are shown to the appropriate scale in conformity with the notes.

**LEGEND**

Ownership/Lease Site



Ownership/Lease Site

Ownership/Lease Site

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Ownership/Lease Site

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Ownership/Lease Site

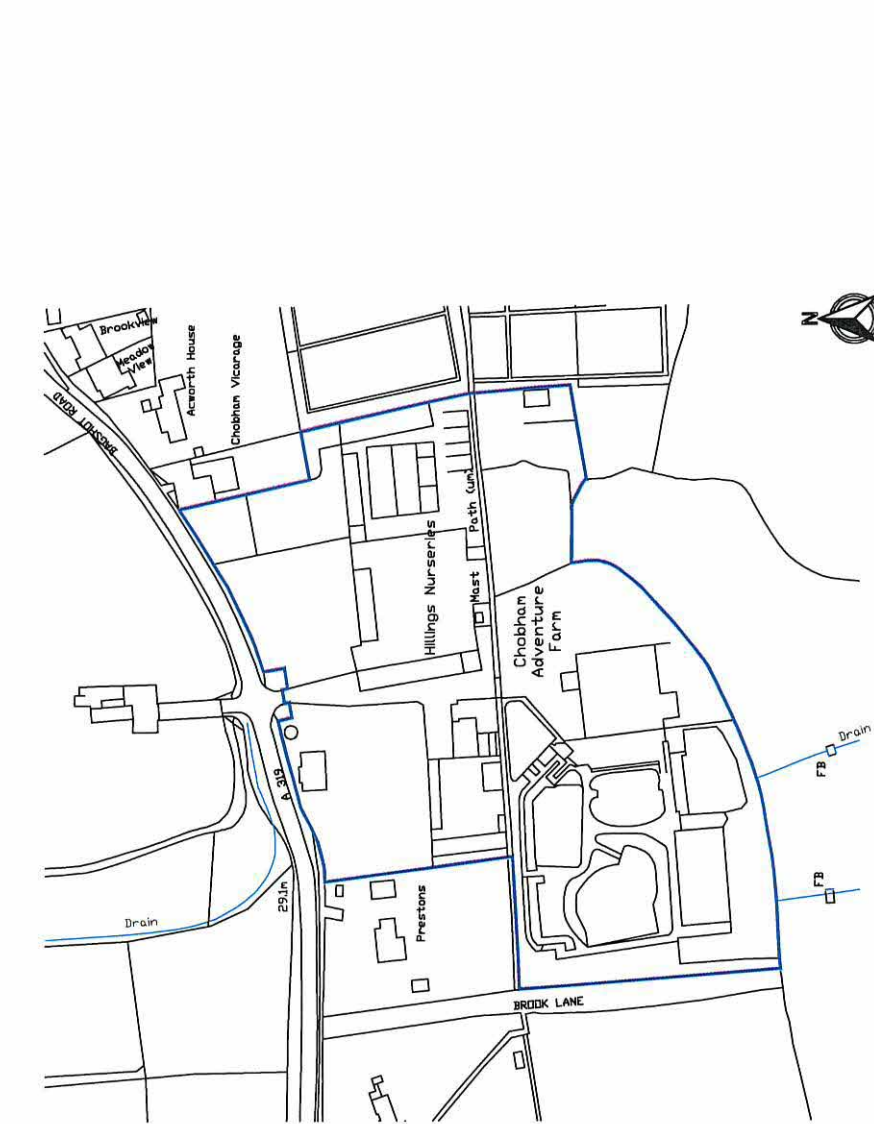
Ownership/Lease Site

Ownership/Lease Site

Ownership/Lease Site

Ownership/Lease Site

Ownership/Lease Site



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No.	Description	Date	Drawn	Checked
1	Approved for submission	10/02/23	PH	JAE



www.aracostudio.co.uk  
www.aracostudio.com

Architects  
ARB Registered  
RIBA Member

Address:  
Beech Road  
Woking  
GU24 0DB

Client: Esageast Distribution Ltd

Drawing No: A2  
Scale: 1:1250  
Drawn by: PH

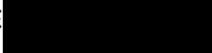
Project No: 8762  
Work Stage: Planning  
Drawing No: 03-B

Site Location Plan  
As Existing

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

DECLARED AT *Chobham Adventure Farm, G424 8DB*

This *30<sup>th</sup>* day of May 2023

BEFORE ME  *GREGORY BARNBROOK*

~~Commissioner for Oaths~~/Solicitor

**KEYSTONE LAW**

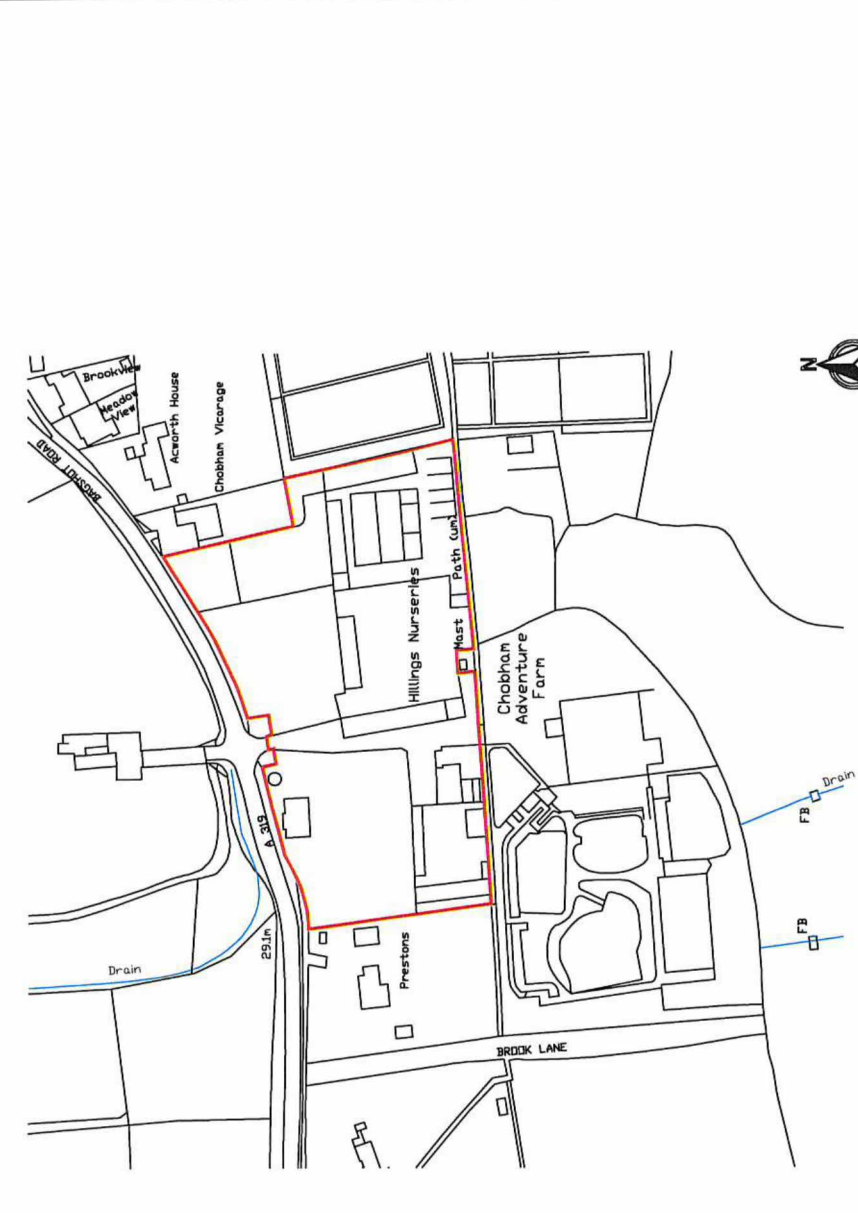
48 Chancery Lane, London  
WC2A 1JF Tel: 020 3319 3700  
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**Notes**

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**GENERAL NOTES:**  
 All dimensions shall be in millimetres unless otherwise stated.  
 All work shall be in accordance with the relevant British Standards and Codes of Practice.  
 The drawings shall be read in conjunction with all the notes.  
 All work shall be in accordance with the relevant British Standards and Codes of Practice.  
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**Legend:**  
 Planning Unit Site



Proposed in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1987 and the Planning (Listed Buildings and Conservation Areas) Regulations 2013. This work shall be in accordance with the relevant British Standards and Codes of Practice. The drawings shall be read in conjunction with all the notes. All work shall be in accordance with the relevant British Standards and Codes of Practice. All work shall be in accordance with the relevant British Standards and Codes of Practice. All work shall be in accordance with the relevant British Standards and Codes of Practice.



Date	16/05/21 PM
Drawn by	PH
Check by	PH
Project No.	8762
Work Stage	Planning
Drawing No.	02-B

**ARACO DESIGN STUDIO**  
 Architects  
 www.aracodesignstudio.co.uk  
 info@aracodesignstudio.co.uk

**Client:** Enaglass Distribution Ltd  
**Address:** Bagshot Road, Chobham, GU24 8JG

Client	Enaglass Distribution Ltd
Address	Bagshot Road, Chobham, GU24 8JG
Scale	1:1250
Drawn by	PH
Check by	PH
Project No.	8762
Work Stage	Planning
Drawing No.	02-B

Site Location Plan  
 As Existing



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

DECLARED AT *Chobham Adventure Farm, G424 8DB*

This *30<sup>th</sup>* day of May 2023

BEFORE ME



*GREGORY BARNBROOK*

~~Commissioner for Oaths/Solicitor~~

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**SURREY HEATH  
BOROUGH COUNCIL**

Surrey Heath Borough Council

Author: D. Lockie

Date: 14/10/2022



Acworth House

Chobham Vicarage

Graveyard

Path (um)

Chobham  
Adventure  
Farm

A 319

29.1m

Prestons

Strawcock Field

BROOK LANE

This is Exhibit 4 (Johnsons Amenity Catalogue) referred to in the Statutory Declaration of  
**Bradley Smith**

DECLARED AT *Chobham Adventure Farm, GU24 8DB*

This *30<sup>th</sup>* day of May 2023

BEFORE ME



*GREGORY BARNBROOK*

~~Commissioner for Oaths/Solicitor~~

**KEYSTONE LAW**

48 Chancery Lane, London  
WC2A 1JF Tel: 020 3319 3700  
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**B** TREE GUARDS  
14MM & 25MM WIDE  
IN 25M LENGTHS

**C** TREE BELTING & BLOCKS  
EITHER 25MM OR 50MM  
WIDE AND 250 OR 250MM  
ON A ROLL

**GET THEM RIGHT!**  
USE THE CODE IN THE SUNDRIES  
COLUMN ON THE A-Z PAGES  
AS A GUIDE FOR THE RIGHT  
SUNDRIES FOR THE STOCK YOU  
AIM TO PLANT ... PAGES 29 - 75

**A** TREE GUARDS, SPIRALS AND CANES



**D** SQUARE SAWN  
SOFTWOOD TREE STAKES  
FROM 75CM LENGTH/25MM SQUARE  
TO 1.8M LENGTH/125MM SQUARE

**E** MACHINE ROUND STAKES  
FROM 12M LENGTH/75MM DIA TO  
7.4M LENGTH/75MM DIA

**TREE ANCHORING SYSTEMS**



**F** SPECIALIST ANCHORING  
SYSTEM FOR LARGER TREES

**G** ROOTBALL FIXING  
SYSTEM WITH STRAP

**H** COBBLES & PEBBLES  
VARIOUS SIZES AND COLOURS

**I** DECORATIVE SLATE  
VARIOUS SIZES AND COLOURS



**J** CHIPPINGS & GRAVEL  
VARIOUS SIZES AND COLOURS



**N** WPEX  
MULCH MAT



**K** MONA RELIEF  
IRRIGATION UNIT



**O** EQUIPMENT EROSION  
CONTROL MATTING



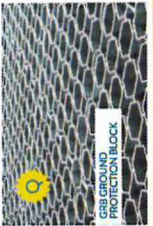
**M** MONA WIRE  
IRRIGATION UNIT



**P** ROOT BARRIER CONTROL



**L** MONA GRANDE  
IRRIGATION UNIT



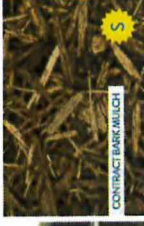
**Q** GRB GROUND  
PROTECTION BLOCK

**LANDSCAPE SUNDRIES...**  
**...EVERYTHING YOU NEED TO PLANT  
UP AND MAINTAIN YOUR LANDSCAPES**

All of these can be delivered to site or stock with your plants



**R** ROOF DRAIN



**S** CONTRACT BARK MULCH



**T** AMENITY BARK MULCH



**U** WET COURT SURFACE  
ORNAMENTAL MULCH





All of these can be delivered to site as stock with your plants

# essential sundries DECORATIVE AGGREGATES

## CHIPPINGS & GRAVEL (25KG AND BULK BAG)



AUTUMNGOLD 20MM



BROWN & BLUE 14MM



YORKSHIRE CREAM 20MM



MERRYGOLD GRIT 20MM



WHITE GOLDWHITE 20MM



SOUTHERN GOLD 20MM

## COBBLES & PEBBLES (25KG AND BULK BAG)



FITZVALE PEBBLES 20MM



RIVERS WASHED COBBLES 40-200MM



SCOTTISH COBBLES 40-200MM



SCOTTISH PEBBLES 20MM



WHITE COBBLES 40-70MM



COTSWOLD COBBLES 40-80MM

## DECORATIVE SLATE (25KG AND BULK BAG)



PLUM SLATE MULCH 20MM



BLUE SLATE MULCH 20MM



GREEN SLATE MULCH 20MM



GREY SLATE MULCH 20MM



PLUM SLATE 20MM



BLUE SLATE 20MM



GREEN SLATE 20MM

# INTURF™

People who know turf know INTURF

### INTURF AT A GLANCE

INTURF™, modern production techniques mean that almost unlimited supplies of turfgrass are available on demand, so there is no reason to temper your landscape vision: the turf you need can be on site, field fresh, within 24 hours of order.

- Constant innovation in production and distribution to ensure that turf reaches customers field fresh.
- Turf grades for private gardens, public open spaces, and every kind of sports application from championship golf courses to neighbourhood bowling greens.

- Turf supplied in conventional rolls, covering 1 metre by 1 metre, or in large quantities in 4 metre by 2 metre and 4 metre by 1 metre rolls.
- Core company values include reliability and straight talking so that customers know where they stand.
- We take pride in being flexible, responsive, and environmentally aware.
- 25 years experience in turfgrass production and supply to the sports, landscape, and amenity markets – there are very few landscape situations we have not encountered.
- Active members of the TGA (Turfgrass Growers Association) – an industry body dedicated to driving up standards.
- An ISO 9002 accredited company we have systems in place to ensure our customers come first.

INTURF™ THE CHRISTOPHER WILBERFORCE YORK 'YORKSHIRE'  
 T: 01759 321000 F: 01759 382030  
 EMAIL: INFO@INTURF.CO.UK  
 www.inturf.com

### UP ON THE ROOF!

These new pictures show why customers flood us with orders for roof-top turf. The ones on the left show the roof-top turf in situ. The ones on the right show the roof-top turf in situ. The ones on the right show the roof-top turf in situ.



### INTURF™ MASTERS



**Primary uses**  
 Standard production turf for residential gardens and amenity spaces. Also used for sports pitches, golf courses and bowling greens.

**Species**  
 • Standard production turf  
 • Standard mowing and fertiliser  
 • Standard watering and fertiliser  
 • Standard watering and fertiliser  
 • Standard watering and fertiliser

### INTURF™ CLASSIC



**Primary uses**  
 Standard production turf for residential gardens and amenity spaces. Also used for sports pitches, golf courses and bowling greens.

**Species**  
 • Standard production turf  
 • Standard mowing and fertiliser  
 • Standard watering and fertiliser  
 • Standard watering and fertiliser

### RHIZOMATOUS TALL FESCUE (RTF)



**Primary uses**  
 This is high yielding and is ideal for high traffic areas. It is also a very hard wearing grass.

**Species**  
 • Rhizomatous Tall Fescue

### FIBRE REINFORCED TURF (FRT)



**Primary uses**  
 Sand based solutions for high traffic areas. Long life expectancy and long life expectancy.

**Species**  
 • Fibre Reinforced Turf

### CUSTOM GROWN TURF (CGT)



**Primary uses**  
 To meet turf to specific requirements for all local circumstances.

**Species**  
 • As specified



# PLANTING DENSITIES

for field grown broadleaves and hedging

**HEDGING SPECIFICATION KEY** - what the terminology means:

H0	1 year hedging
H1	1 year hedging without wet plants in the first 4/10th year
H11	1 year hedging with 1 year transplant for 1 year
H12	1 year hedging with 1 year transplant for 2 years
RT	1-2 year hedging - 'regular' grown in the field (not planted for at least a year)
OC	'one-off' grown in the field (not planted for at least a year)

PLANTING DENSITY - Number of trees required for square spacing

SPACING - FEET	SPACING - METRES	TREES
3	1	10,000
4	1.2	6,944
5	1.5	5,102
6	1.8	4,444
7	2.1	3,460
8	2.4	2,900
9	2.7	1,111
12	3.6	748

*reference*  
UNDERSTANDS YOUR PLANTS AGE HELPS UNDERSTAND WHAT IS REQUIRED TO ACHIEVE THE ULTIMATE HEDGE USE THE KEY ABOVE TO HELP!

PLANTING DENSITY - Number of trees required for hedge / linear planting

DISTANCE APART IN ROW - INCHES	DISTANCE APART IN ROW - CMS	SINGLE ROW PER 100 METRES	NUMBER PER 100 METRES	DOUBLE ROW PER 100 METRES	NUMBER PER 100 METRES
16	6	666	600	1332	1200
22.5	9	444	400	888	800
28	12	353	300	706	600
48	18	222	200	444	400
60	24	166	150	332	300
75	30	133	120	266	240
100	36	100	100	200	200

**PROVEN SUSTAINABLE SAFE RECYCLABLE PEAT FREE**

**WANT TO AVOID MONEY?**  
Melcourt Industries Ltd  
Bodogge Boggs  
Long Newnham  
Tisbury  
Christchurch  
Wiltshire  
T +44 (0) 1866 522711  
F +44 (0) 1866 524388  
E mail@melcourt.co.uk  
www.melcourt.co.uk

**Melcourt**  
Proven • Safe • Sustainable

## SUSTAINABLE LANDSCAPING with the Melcourt professional range

### MULCHES

An unrivalled range of consistent quality screened bark, wood chip and compost has been developed to provide an aesthetically pleasing appearance and to help reduce the cost of on-going landscape maintenance.

**Arctic Compost®**  
A versatile coffee bark from our 'dark' range - ideal for use in:  
• Minimum installation depth 10cm/2"  
• Use on lawns and paths  
• Fine topped in accordance with BS4790:1987

**Dark Compost®**  
A long lasting pine bark from our 'dark' range - ideal for use in:  
• Easy to install using garden beds  
• Minimum installation depth 10cm/2"  
• Use on lawns and paths  
• Fine topped in accordance with BS4790:1987

**Black 'Sage'®**  
A chunky redwood bark from our 'dark' range - ideal for use in:  
• Minimum installation depth 10cm/2"  
• Use on lawns and paths  
• Fine topped in accordance with BS4790:1987

**Pine 'Red' Mulch®**  
A fine grade of pine bark - ideal for use in:  
• Minimum installation depth 10cm/2"  
• Use for mulching paths, lawns and lawns

### COMPOST, SOIL CONDITIONERS & TOPSOIL

A natural 100% peat-free solution

Melcourt's soil conditioners and composts have been carefully formulated to provide a long-term, sustainable and healthy soil environment. Our products are made from locally sourced, established, consistent and healthy tree and plant growth.

**Topsoil™ - Fine & Struct. Planting Compost**  
• For the successful establishment and continued growth of newly planted trees and shrubs  
• Easy to use  
• Extensive and regularly used by professional landscape contractors

**All-Purpose Peat Free Compost™**  
• Suitable for a wide range of shrubs  
• 100% peat free  
• Easy to use and re-use

**Compostated Elm Bark™**  
• Rich organic bark based soil conditioner  
• Dark brown in colour  
• Ideal for use in:  
• Normal particle size 1 - 25mm  
• Spread at 50mm/2" depth onto the soil surface  
• Use on lawns and paths  
• Fine topped in accordance with BS4790:1987

**Compost™**  
• Compost, mulched forest, conforming to British Standard BS5220:2007  
• Dark brown in colour  
• Ideal for use in:  
• Normal particle size 1 - 25mm  
• Spread at 50mm/2" depth onto the soil surface  
• Use on lawns and paths  
• Fine topped in accordance with BS4790:1987

**PROVEN SUSTAINABLE SAFE RECYCLABLE PEAT FREE**

**WANT TO AVOID MONEY?**  
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F +44 (0) 1866 524388  
E mail@melcourt.co.uk  
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## How trees are specified: a bit about the common form of trees & hedging

In common with plants and shrubs, trees and hedging are specified by reference to their botanical names (e.g. *Acer campestre*, *Quercus robur*) and form by:

- **Form**
- **Age/Condition or number of times transplanted**
- **Overall height**
- **Clear stem height**
- **Root form - bare root, ballballed, container size**
- **Root collar diameter at ground level or girth at 1 metre**

### FORMS AVAILABLE

The commonest forms in which trees and hedging are sold are listed below and opposite. In describing them in more detail, we use definitions to be found in the National Plant Specification of the Horticultural Trades Association.

### TRANSPLANTS

Transplants are trees which have been transplanted at least once. They are usually sold in the form of ballballed trees with roots in a plastic root system. They are available in sizes up to 10cm in diameter at stem base. When the main trunk is in a plastic bag, others such as *Abies* and *Thuja* are available. Transplants are popular for hedging and landscape planting.

### WHIPS

Whips are trees which are sold in a single slender stem, without significant side branching. The term 'whip' is used for plants that are between 100cm and 200cm tall and are sold in a plastic root system. Whips are available in sizes up to 10cm in diameter at stem base. Whips are popular for hedging and landscape planting.

### FEATHERED TREES

Feathered trees are trees with a wide spread of branches that are between 100cm and 200cm tall and are sold in a plastic root system. They are available in sizes up to 10cm in diameter at stem base. Feathered trees are popular for hedging and landscape planting.

### STANDARDS

Standards are trees with a single stem or stems, without side branching, and a clear stem height. They are available in sizes up to 10cm in diameter at stem base. Standards are popular for hedging and landscape planting.




**HOW BIG IS BIG?**  
SOME OF THE TREES WE SUPPLY ARE SO BIG, THEY WANT FEELING AND NEED A POLICE ESCORT!

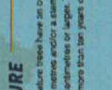
**PLEASE NOTE**  
Trees illustrated below are for reference only and are not used proportionally to one another.

**OTHER FORMS AVAILABLE**  
Some more common forms in which trees are sold are listed below. Once again we use definitions to be found in the National Plant Specification of the Horticultural Trades Association.


**SEEDLING**  
Seedlings are woody plants which have been grown from seed and are usually old. Seedlings are rarely used in quality landscape planting but are often used in forestry schemes.



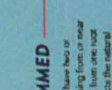
**SEMI-MATURE**  
Semi-mature trees have an overall height in excess of 6 metres and a stem girth measurement of 20 centimetres or larger. These trees are likely to be more than ten years old at the time of sale.




**CUTTING**  
Cuttings are woody plants from shoots, stems, or roots of a woody plant. They are usually grown from hardwood stems cuttings planted out in the soil. Mature plants, *Prunus* spp and *Salix* spp are typically grown from hardwood cuttings and bought as one or two year old plants for landscape planting.



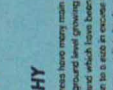
**MULTISTEMMED**  
Multi-stemmed trees have two or more main stems arising from or near ground level, growing from one root and growing on to a stem in excess of 2.5 metres. These trees give immediate landscape impact. Typically multi-stemmed trees are *Acer campestre*, *Ash*, *Prunus*, *Crataegus* spp and *Salix* spp.



**MAIDEN**  
Maidens are low woody plants in which the stems have grown for one season. The stems usually retain their buds which have a hard or scaly cover. The term could apply to other commercially grown ornamental trees which have been propagated in the same way.



**BUSHY**  
Bushy trees have many main stems arising from or near ground level growing from one root and growing on to a stem in excess of 2.5 metres. These trees give immediate landscape impact. Typically bushy trees are *Acer campestre*, *Ash*, *Prunus*, *Crataegus* spp and *Salix* spp.



*For additional information about how trees are specified and to see just how much choice there is, go to:*  
[WWW.HURSERVENCOLLECTRADERDOWNLOADS](http://WWW.HURSERVENCOLLECTRADERDOWNLOADS)

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