

Appendix 11

Mark Gregory 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, **Mark Gregory, Managing Director** of Landform Consultants Ltd and Landform Maintenance 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. Landform Consultants Ltd and Landform Maintenance Ltd were originally located at Holloway Hill Chertsey. We had to vacate our premises in 2008/9. We used to trade with Johnsons of Whixley. Matt Moore is contracts director at Landform dealing with Johnsons and he suggested the appeal site as a possible new location, and put me in touch with Bean Chapman. A meeting was set up and we negotiated and took over what was the original nursery office and a parcel of land that was overgrown and neglected. It had previously been used by Wyevale but not used by Johnsons. We tidied up this area in the autumn of 2009 and moved the business into this area.
2. We are a firm of landscape gardeners and horticulturalists. We do garden maintenance, garden design and garden construction. A lot of the contracting is done off site. This site is our main office. We operate in the Thames Corridor from the City of London out to Surrey and beyond. We employ 90 people, making us one of the largest employers in the village of Chobham.
3. We are members of BALI, HTA, Association of Professional Landscapers. I was voted the most influential person in the UK's horticultural industry twice by my peers and hosted by our leading trade publication called "Pro Landscaper". I was awarded the HTA Pearson Memorial Medal for services to horticulture in 2022 by the HTA who are the

Horticultural Trade Association, and they issue one medal a year. In 2023 I have been given the Associate of Honour by the RHS (Royale Horticulture Society) for services to horticulture.

4. This site is our office and administrative centre (in the office building), we store our horticultural equipment, vehicles. We have a nursery here where we hold plants for client sites. We buy in, quarantine and grow them on and tend to them. Any left over material comes back here. We don't retail from the site at all. Green waste comes to this site. In the south east corner of the ENS we have a green waste transfer station. We use the compost ourselves for our schemes, but the green waste goes to a commercial composting site.
5. We use the outdoor yards around the site for storing materials, holding materials, transferring materials from one project to another. It is all horticultural: composts, growing mediums, plant containers and the like.
6. I would describe our use of this site (other than the ancillary administration element in the building) as a mix of horticulture for growing-on plants and keeping and nurturing plants, storage of equipment and materials, as well as holding in transit. We are a horticulture, gardening and landscaping business. In addition there is ancillary parking of vehicles, deliveries, loading/unloading, etc
7. I therefore deal with the Mixed Use of the Planning Unit Site first, then cover the Retail Use, the Hardstanding, the Flat Roof Structure, and finally the Shipping Containers.

Mixed Use

8. I refer to my Exhibit 4, 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.
9. Figure 8 (June 2010): We arrived at the site when Johnsons were still here. We were a client of Johnsons. So we shared the site with them initially. In that year we were only operating in the small compound adjacent to the office building. This is why this area is fenced off from the rest of the site; it is an historical situation to separate us from Johnsons, and now that we operate across most of the PUS we have retained this area as it is as it allows us to secure valuable items.
10. Johnsons were trading to the north of our yard. The area to the north of Landform was a loading area, where they used to load and move things over to the main site (the ENS). The whole site was a single operation. They were storing mixed aggregates and sleepers,

stakes, dressing stone as well as holding plants. They were a wholesale commercial nursery, so like Landform and Easigrass they were 'growing things on' rather than planting seeds. Johnsons were a horticultural business using the site for storage and 'growing on', and that is what we are. We are a horticultural business that uses the site and, in my view, are no different to Johnsons in terms of how we use the site.

11. Figure 9 (September 2010): Some additional containers can be seen on the western boundary of our compound, which we use for storage. They are still there to this day.
12. Figure 10 July (2011): Johnsons were moving out at this period and clearing the balance of their materials. I was still only in the small compound at that point. This figure also shows a static caravan which is where we housed an onsite maintenance person to maintain all of our plants and trees. His responsibility was to water and maintain all of our living stock. This caravan can be seen on subsequent photos.
13. Figure 11 (April 2013): This photograph shows that we have expanded our operation across the whole western part of the site, along with RSR. This part of the site is now used for materials coming in for jobs, goods in transit. This was used for hard and soft landscape materials, including soil, plants, trees. The eastern part was temporarily empty (probably for around 2 years).
14. Figure 12 (June 2013): This shows my company occupying the western part of the site, with storage, plants and landscaping. There were a lot more plants on this photo. This is partly due to the season and our general increase in business activity. The eastern part remained vacant.
15. Figure 13 (February 2014): I don't believe there was any significant change in this photograph.
16. Figure 14 (March 2014): Again no significant change.
17. Figure 15 (June 2015): When Bean Chapman was starting to develop the Adventure Farm, we moved two of the greenhouses from this area and created one new greenhouse. This can be seen in the eastern part of the site (the south east corner). This was to nurture plants and protect plants from frost. It was at this time when we were operating all the area to the east of the long barn, as well as our compound. This is when Anthony approached me and asked if he could come onto the site and that we could use the site jointly, as we were complementary businesses operating in the same sector. We created a compound for Anthony and all the rest of the site continued to be used by both Landform and Easigrass. Morris Leslie were also present on the site in this photograph. We worked closely with Morris Leslie as they were one of our suppliers. They had a lot of horticultural and agricultural equipment transferred from Scotland, as well as standard plant hire equipment.

18. Figure 16 (March 2017): In this photograph you can see our private compound to the south west, which has continued through all the photographs. Easigrass also have a compound to the east of the long barn. The whole eastern part of the site was where we stored our hard and soft landscaping materials, and this was shared with Easigrass, who also put plants in there as well as some materials. We would put these items on whatever space that was available, and so there would be a rotation of who was using a particular patch of the land, and what was being stored there. The area to the north of the Easigrass compound was the shared area for marshalling, loading and unloading. The open area to the north west was a cleared area that Andy Thorne Groundworks was going to level and tidy up, hence it was temporarily cleared.
19. Figure 17 (May 2018): On this photograph, Andy Thorne had taken a small compound in the north east of the site, on an area that we occupied.
20. Figure 18 (June 2018) to Figure 25: No real change between figures 18 and 25. Our business is exactly the same model, but we gradually increased the volume. In these aerial photos, we use a large proportion of the site as a whole, for the compound, for parking cars north of the compound, for parking in the area north Easigrass, as well as loading/unloading, and using large parts of the eastern section of the site for storage and growing. We share large sections of this with other business on the site, including parking areas, storage and growing areas, particularly with Easigrass.

Retail Use

21. In the time I have been involved in this site, the only retail I have seen is the occasional selling of living Christmas trees by T.Hilling. This would have been for approximately the last four years.

Hardstanding

22. The area of land shaded blue has changed over the years between different forms of hard landscaping. This was previously a mix of shingle where the pots were at the eastern side (with sub base beneath) and tarmac. This was changed in 2015 to entirely concrete. We no longer have flooding in that area, which was sometimes a problem. Standing water has been a problem in that part of the site for many years.

Shipping Containers

23. There have always been shipping containers on different parts of this site. The ones that are the subject of this enforcement notice are the ones in the blue area and these were sited as soon as the new base was installed. I would guess that was the summer of 2016. They were all immediately sprayed green. This all happened very quickly; I would describe it as immediately after the area was resurfaced.
24. In summary, this is a very vibrant location. We are all in similar businesses relating to horticulture and we all support each other and work with each other regularly. There is a really good community feel on the site of similar horticultural businesses, all working

together. It would be a real shame to have this shared use stopped by the enforcement notice. In my personal view, the overall use of this site has remained broadly the same since I have been on the site. Activities shift around the site and different companies use different areas, but it operates as one single shared site. I really hope it can continue.

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 Mark Gregory

Signature

This 30th day of MAY 2023

Declared at Chobham Adventure Farm, GU24 8DU
This 30th day of May 2023

GREGORY BARNBROOK
Solicitor

KEYSTONE LAW

48 Chancery Lane, London
WC2A 1JF Tel: 020 3319 3700
www.keystonelaw.co.uk

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

DECLARED AT *Chobham Adventure Farm, G424 8DB*

This *30th* day of May 2023

BEFORE ME



GREGORY BARNBROOK

~~Commissioner for Oaths/Solicitor~~

KEYSTONE LAW

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This is Exhibit 2 (Planning Unit Site (PUS)) referred to in the Statutory Declaration of Mark Gregory

DECLARED AT *Chobham Adventure Farm, GU24 8DB*

This *30th* day of May 2023

BEFORE ME



GREGORY BARNBROOK

~~Commissioner for Oaths/Solicitor~~

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This is Exhibit 3 (Enforcement Notice Site (ENS)) referred to in the Statutory Declaration of
Mark Gregory

DECLARED AT *Chobham Adventure Farm, GU24 8DB*

This *30th* 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

A319

29.1m

Prestons

Strawcock Field

BROOK LANE

This is Exhibit 4 (Aerial Images January 1999 – March 2022) referred to in the Statutory Declaration of **Mark Gregory**

DECLARED AT *Chobham Adventure Farm, GU24 8DB*

This *30th* day of May 2023

BEFORE ME



GREGORY BARNBROOK

~~Commissioner for Oaths/Solicitor~~

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Project Clopham Adventure Farm

Title Aerial Imagery
 01/01/1999 - Google Earth

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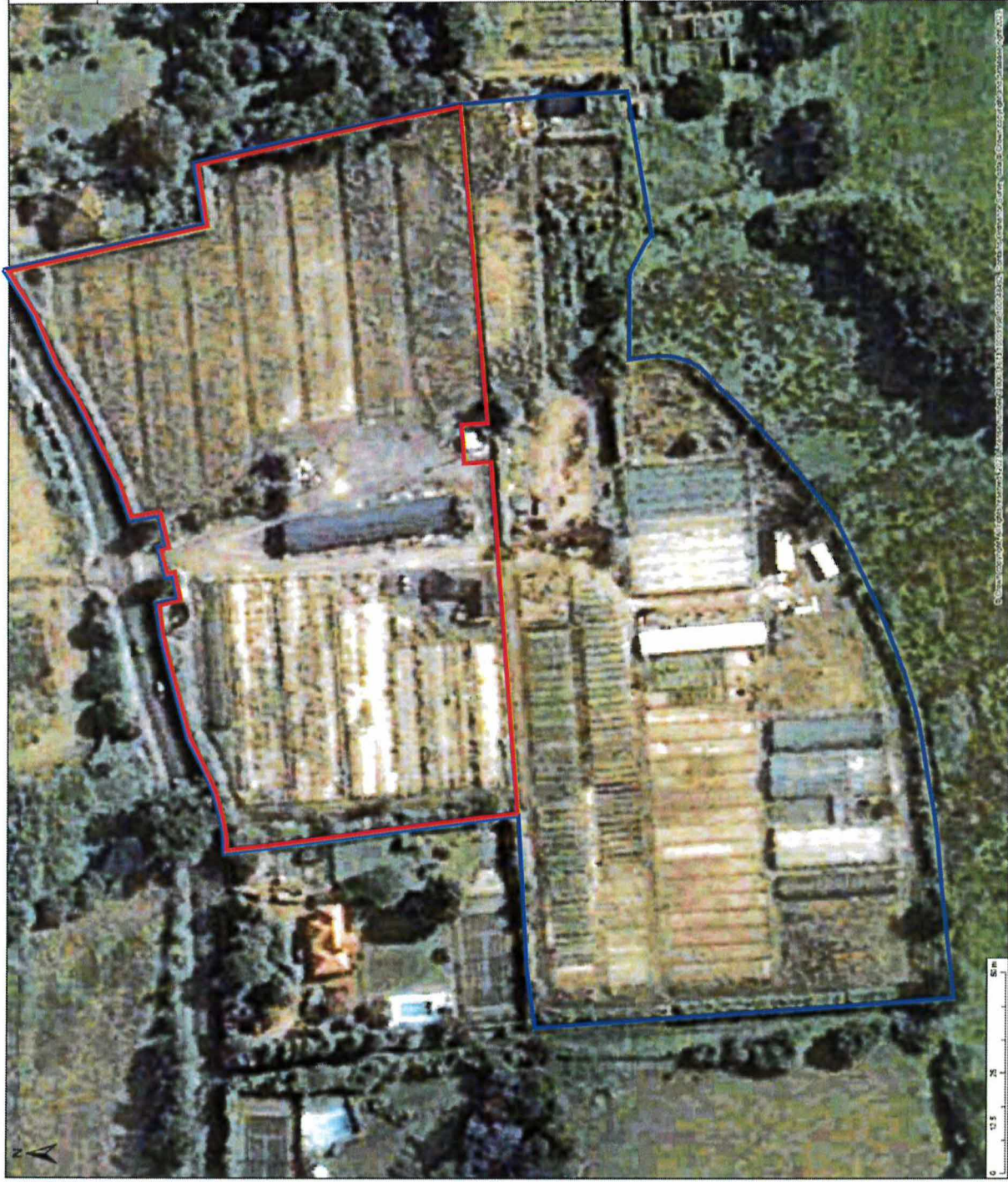
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 25/08/2022 - Google Earth
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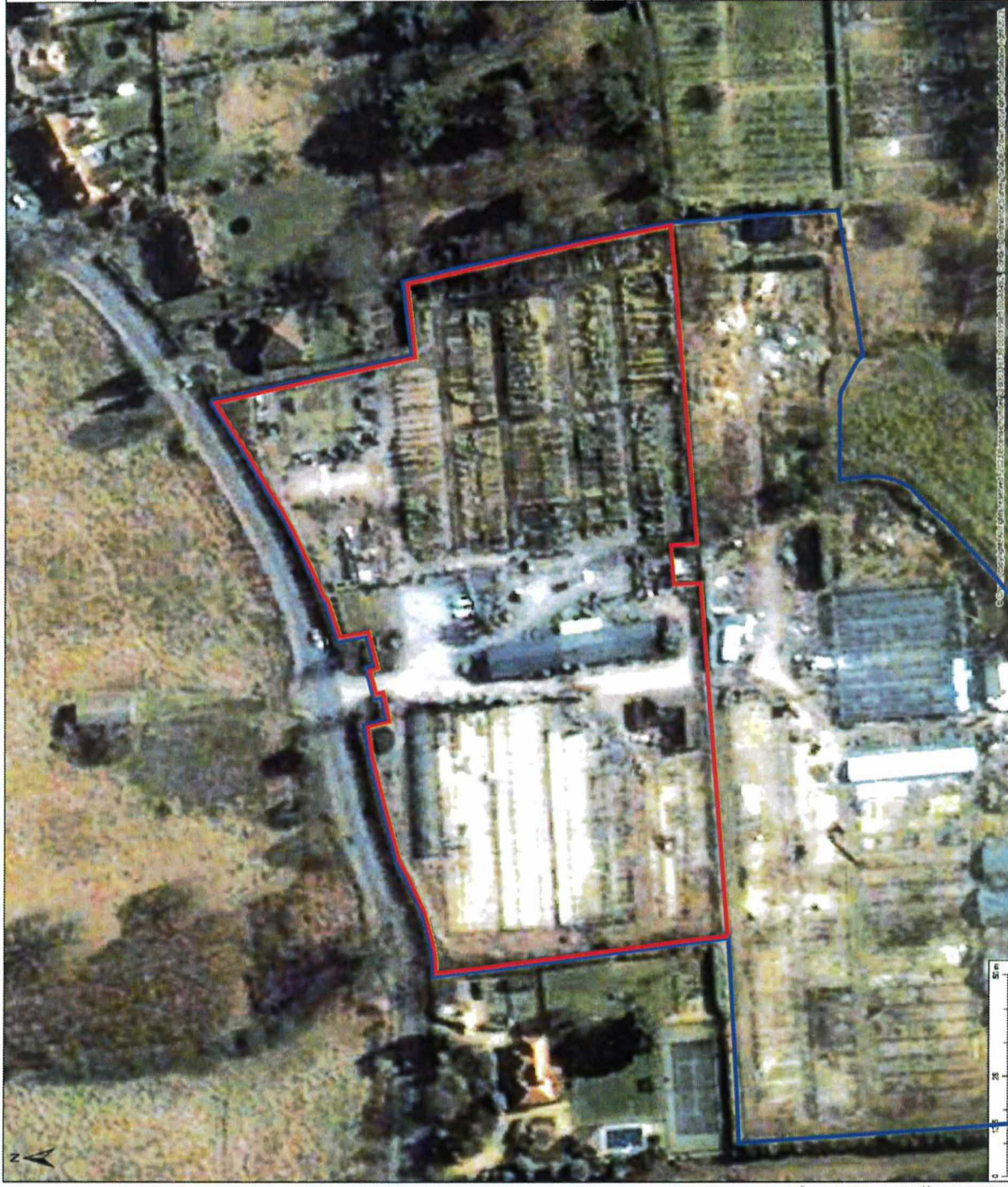
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 Title - Aerial Imagery
 16/03/2023 - Google Earth

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Project - Clopham Adventure Farm

Title - Aerial Imagery

24/05/2009 - Google Earth

Status - DRAFT

Project Number - NP12600

Figure Number - 6

Scale @ A3 - 1:900

Date Created - MAY 2023

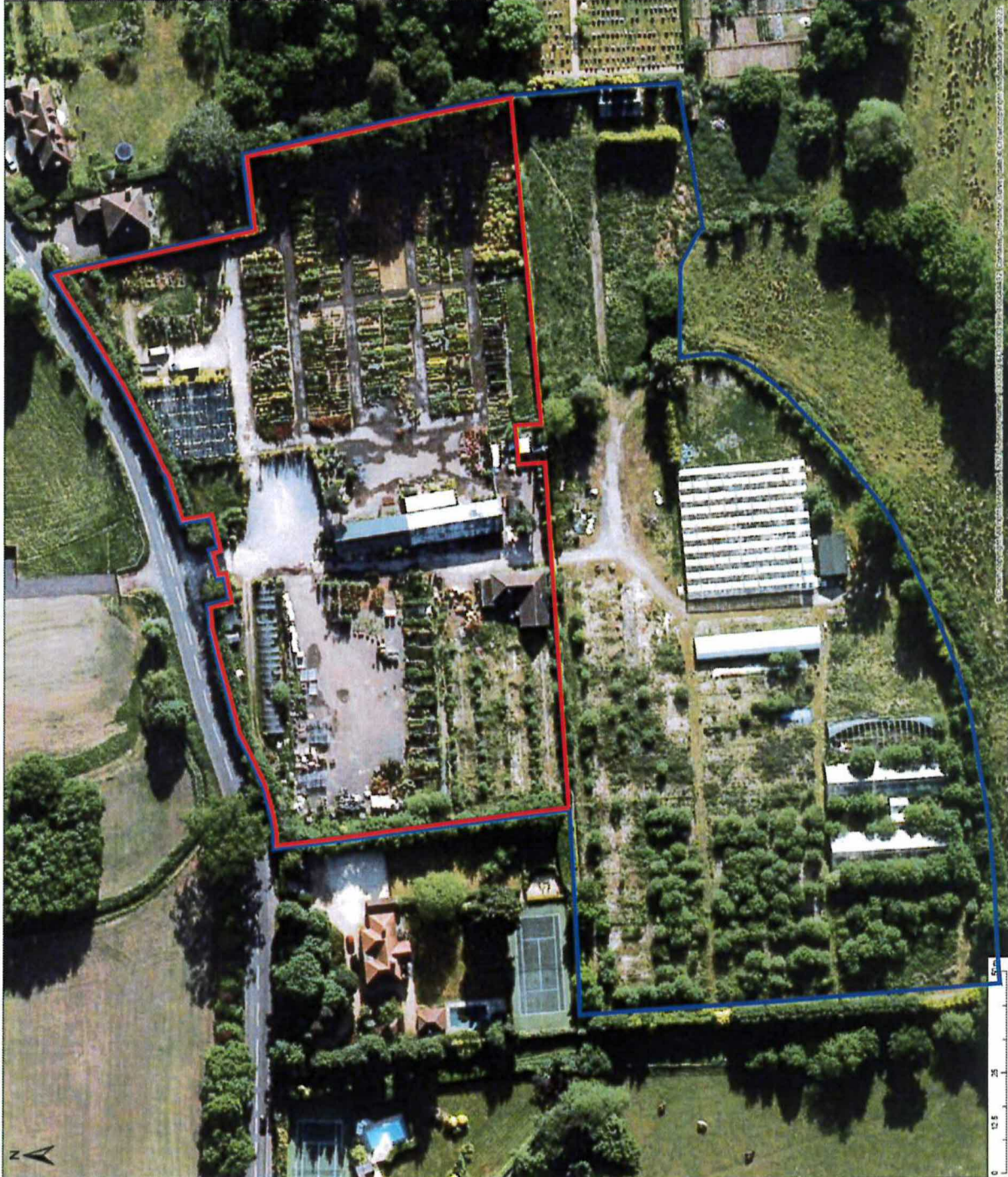
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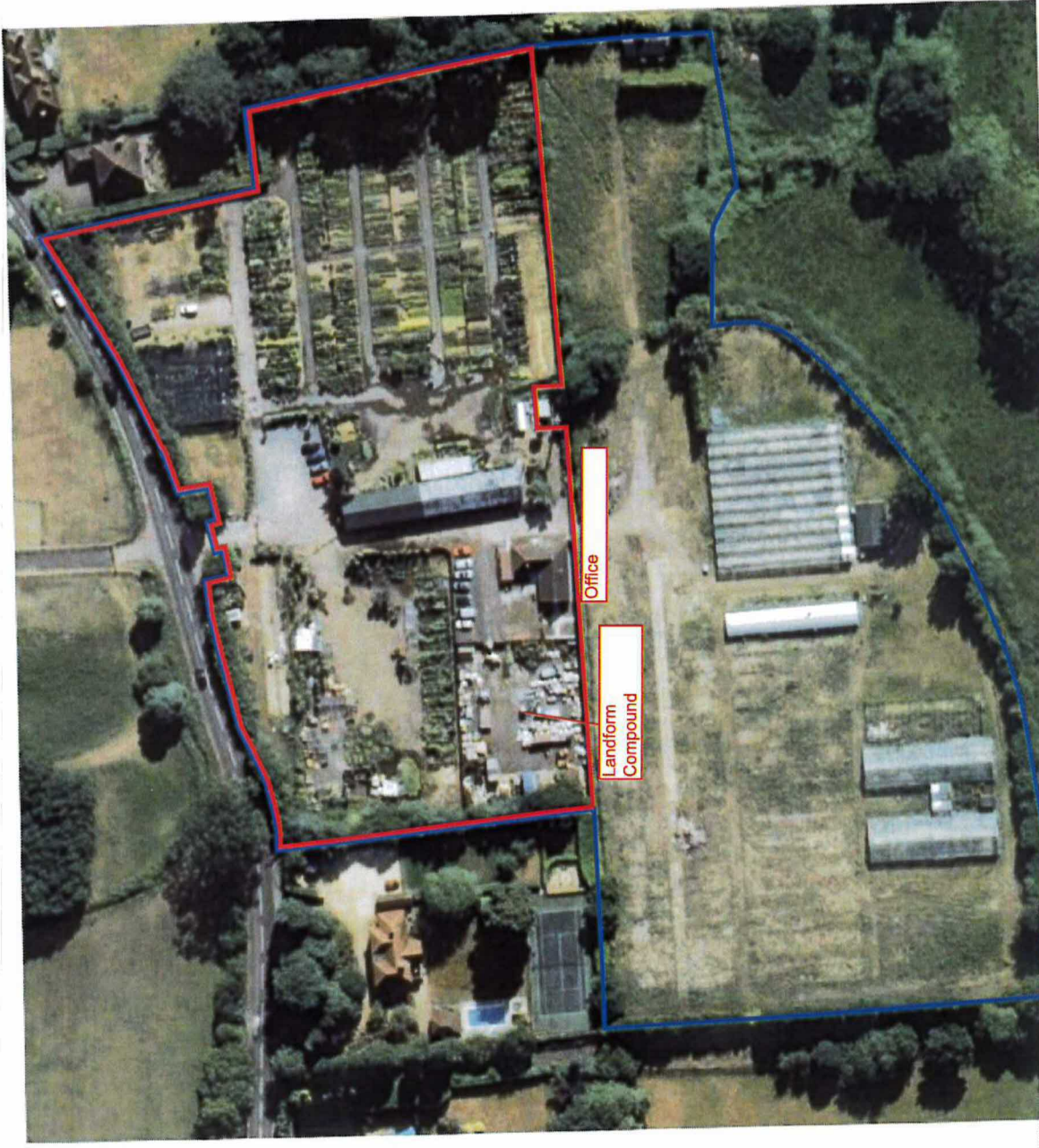


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28/06/2010 - Ordnance Survey
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Checked By - DH
Project Number - NP12600
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Figure Number - 8
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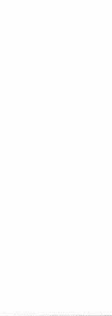
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 Title - Aerial Imagery
 25/09/2010 - Geomapping

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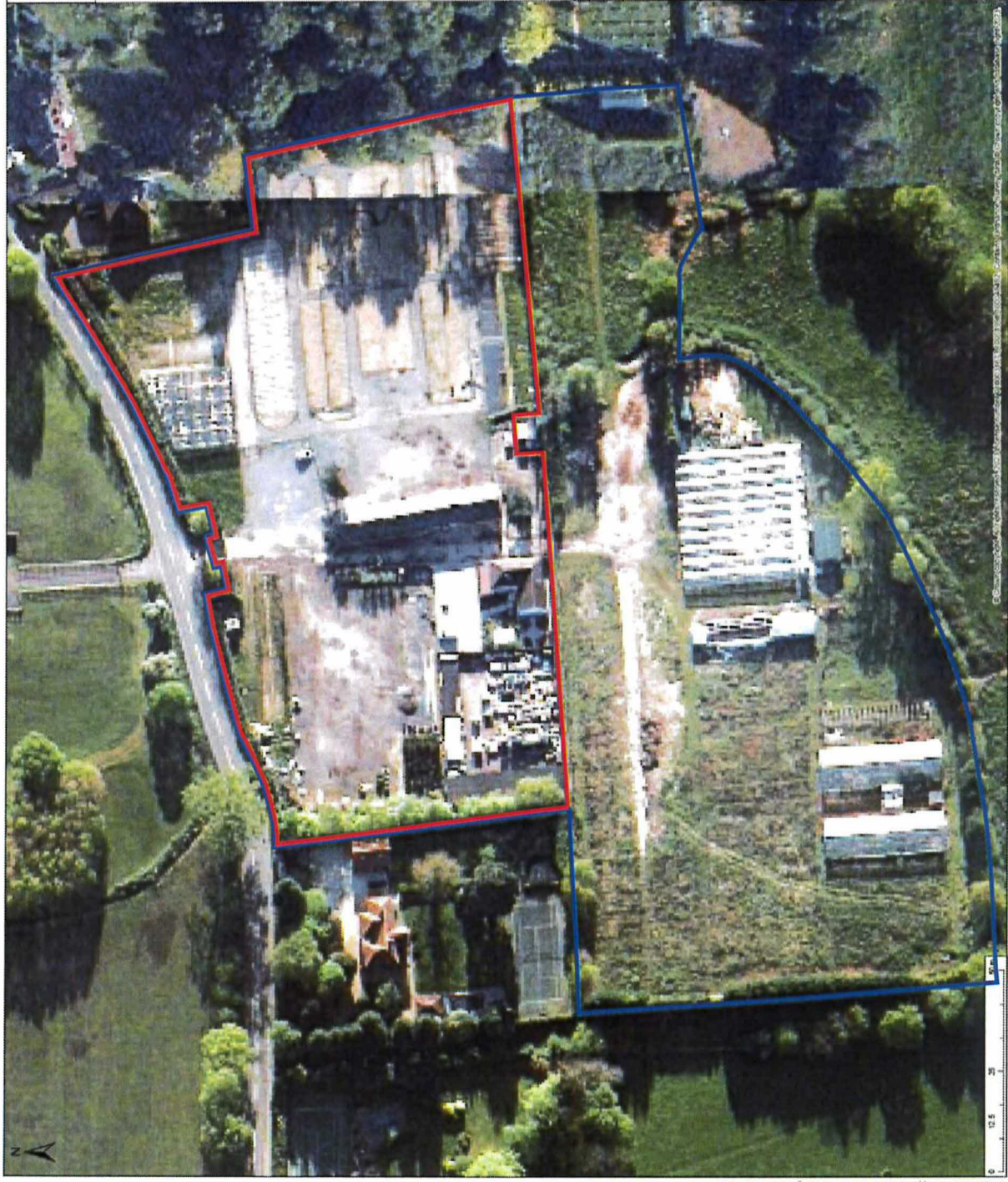
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Project Cleopham Adventure Farm
Title Aerial Imagery
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Project Number NP12600
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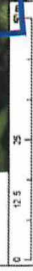
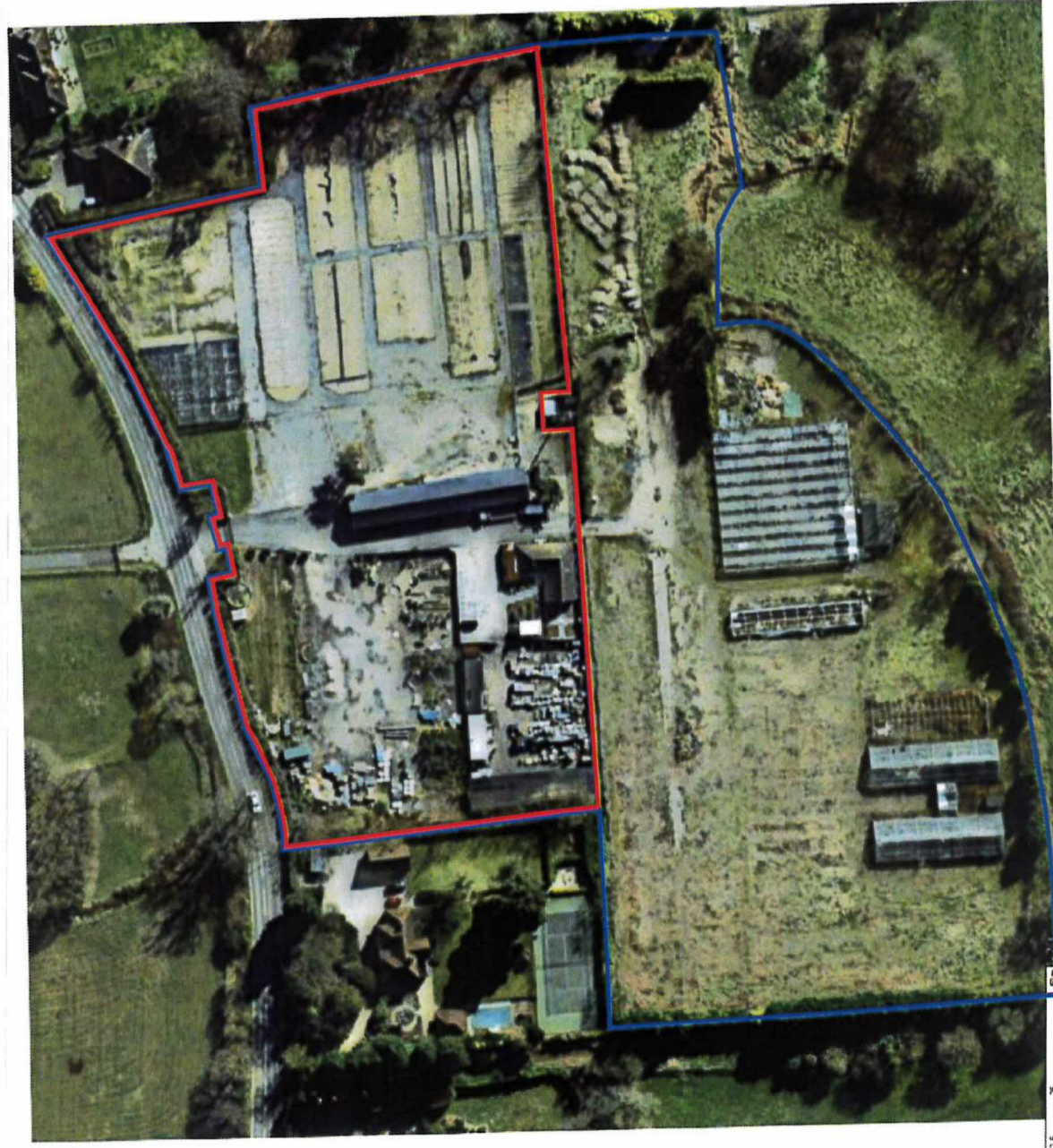
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Client -
 Project - Clopham Adventure Farm
 Title - Aerial Imagery
 20/04/2013 - Geomapping
 Status - DRAFT
 Drawn By - JM
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 Project Number - NP12600
 Scale @ A3 - 1:900
 Date Created - MAY 2023
 Figure Number - 11
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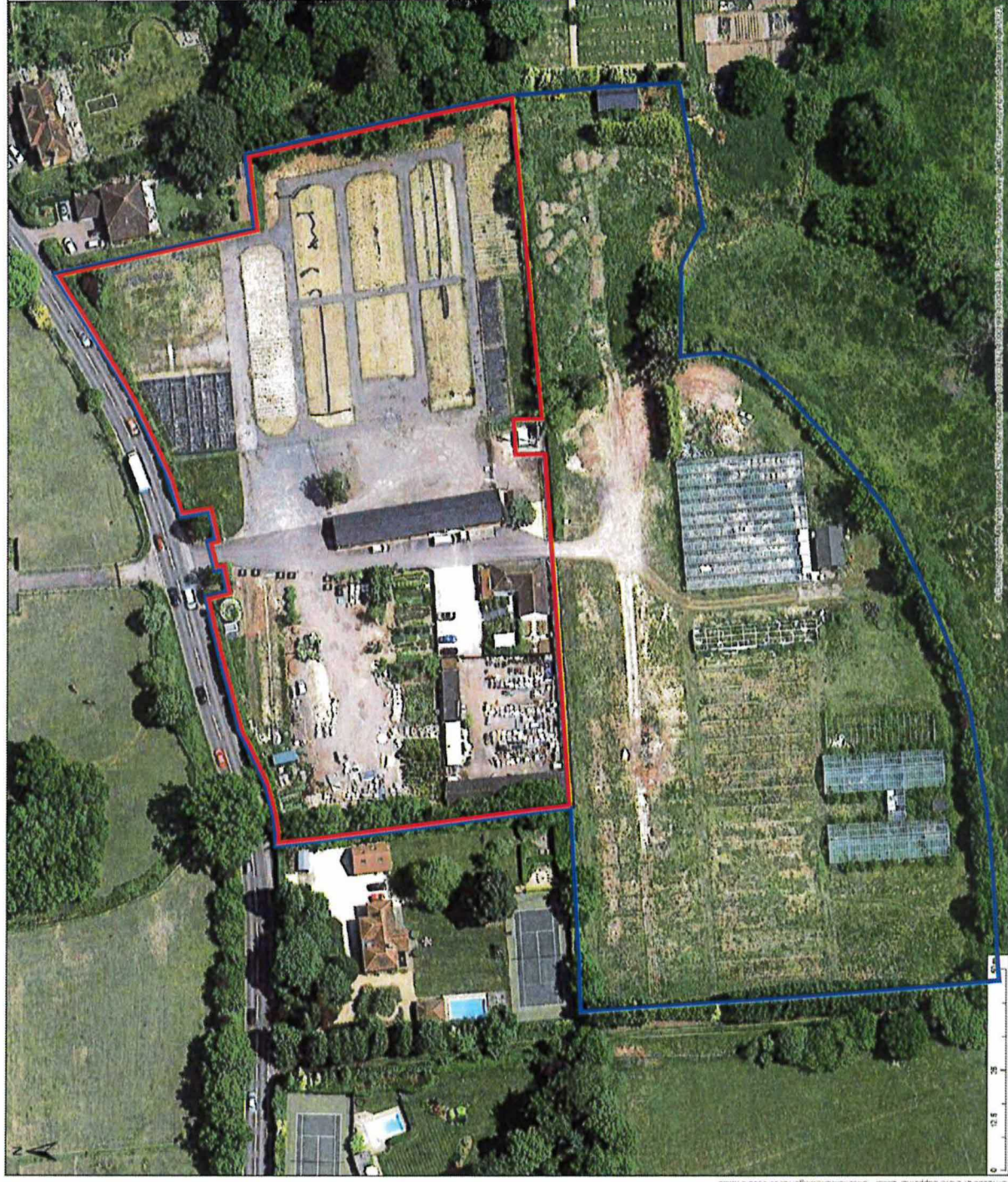
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 Title: Aerial Imagery
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Client -

Project: Clopham Adventure Farm

Title: Aerial Imagery
24/02/2014 - Google Earth

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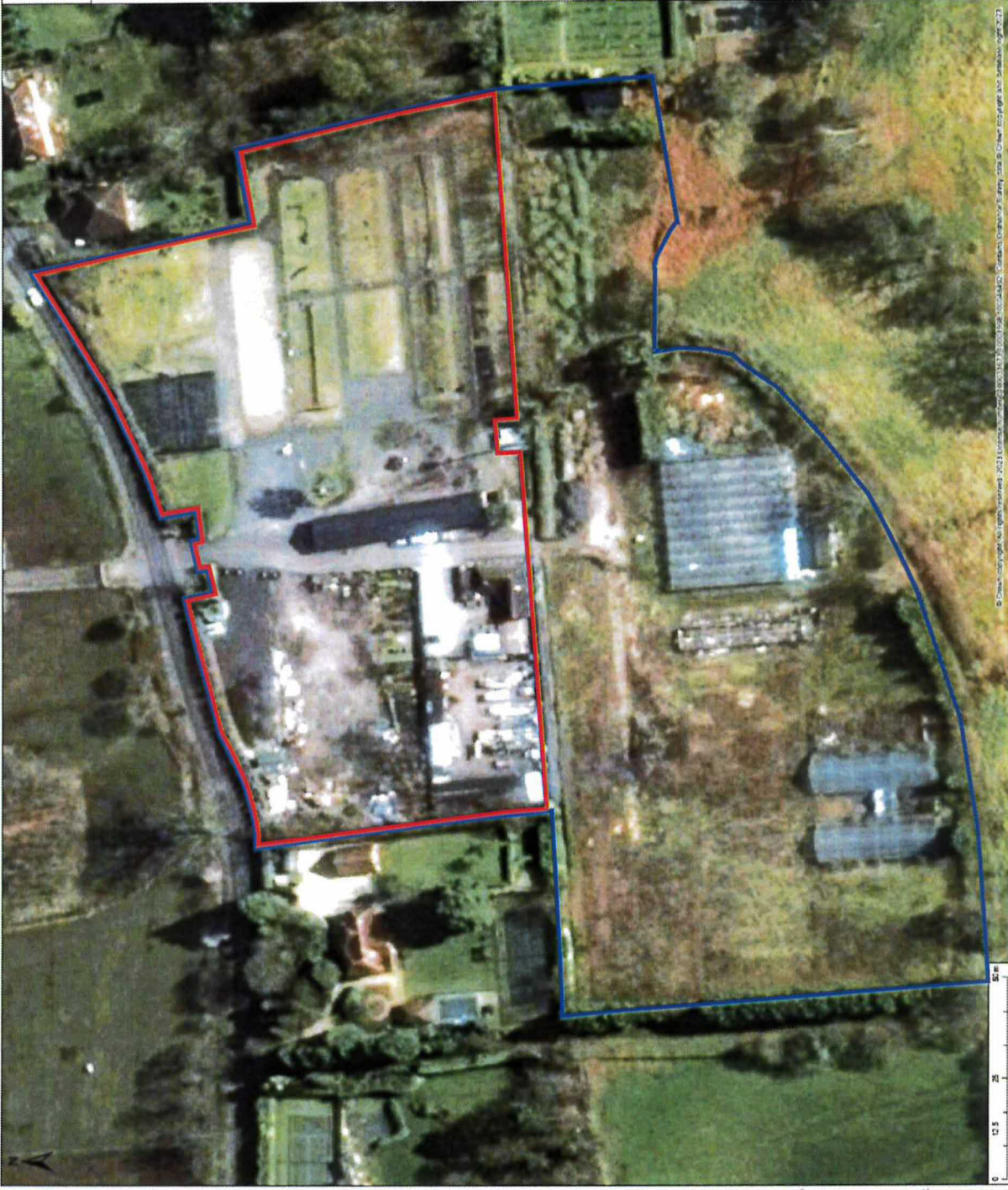
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Client -
 Project - Clopham Adventure Farm
 Title - Aerial Imagery
 Status - 08/03/2014 - Google Earth
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 Checked By - PM
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 Project Number - NPT2600
 Scale @: A3
 Date Created - MAY 2023
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Client -
 Project - Clopham Adventure Farm
 Title - Aerial Imagery
 30/06/2015 - Getmapping
 Status - DRAFT
 Drawn By - JM
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 Project Number - NPT2600
 Scale @ A3 - 1:900
 Date Created - MAY 2023
 Figure Number - 15
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 2. If reliance exclusively is in the recipient's responsibility to print to correct scale, 1:777 within 1000 feet of the ground.

Legend

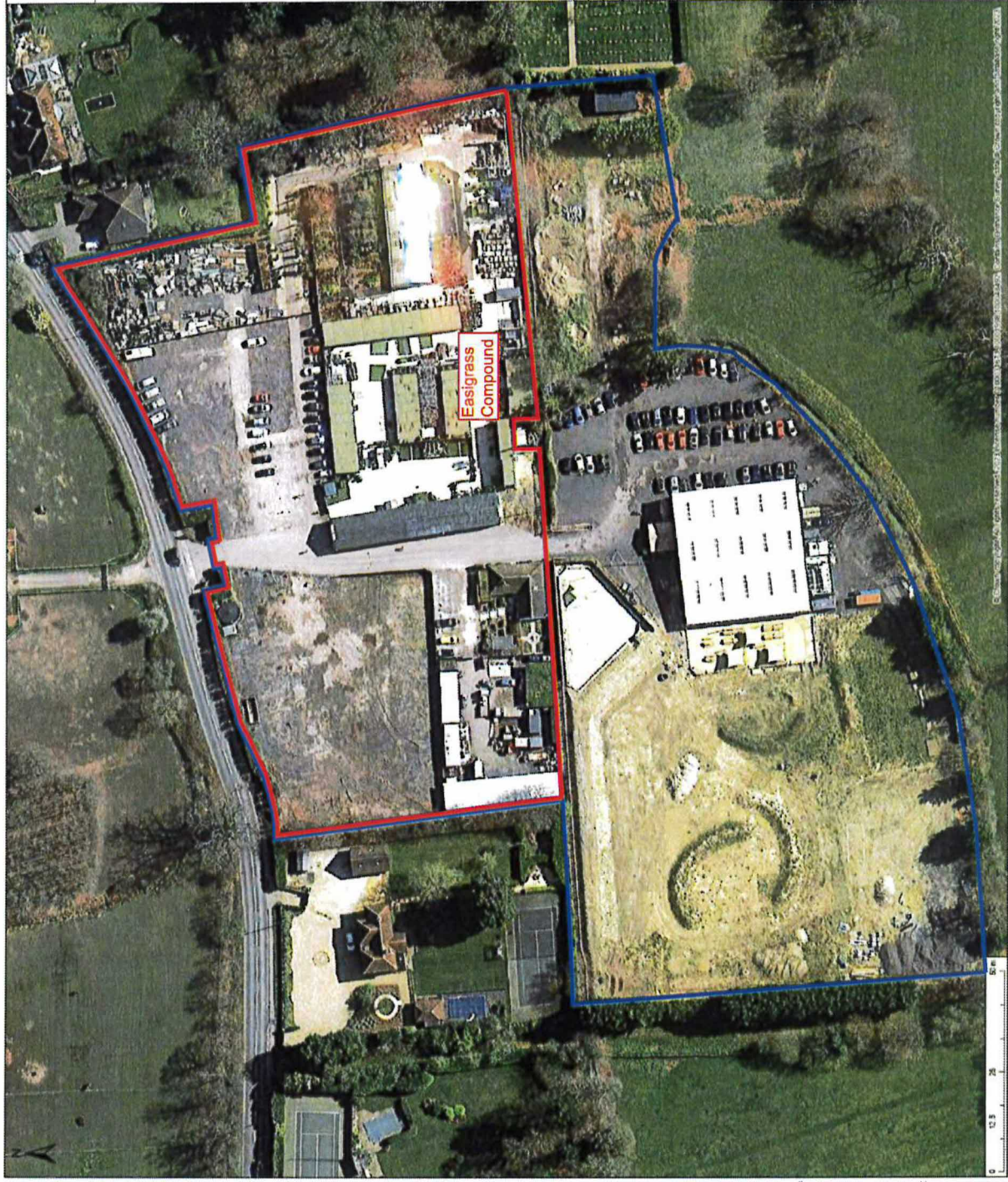
| Rev | Description | By | CSB | Date |
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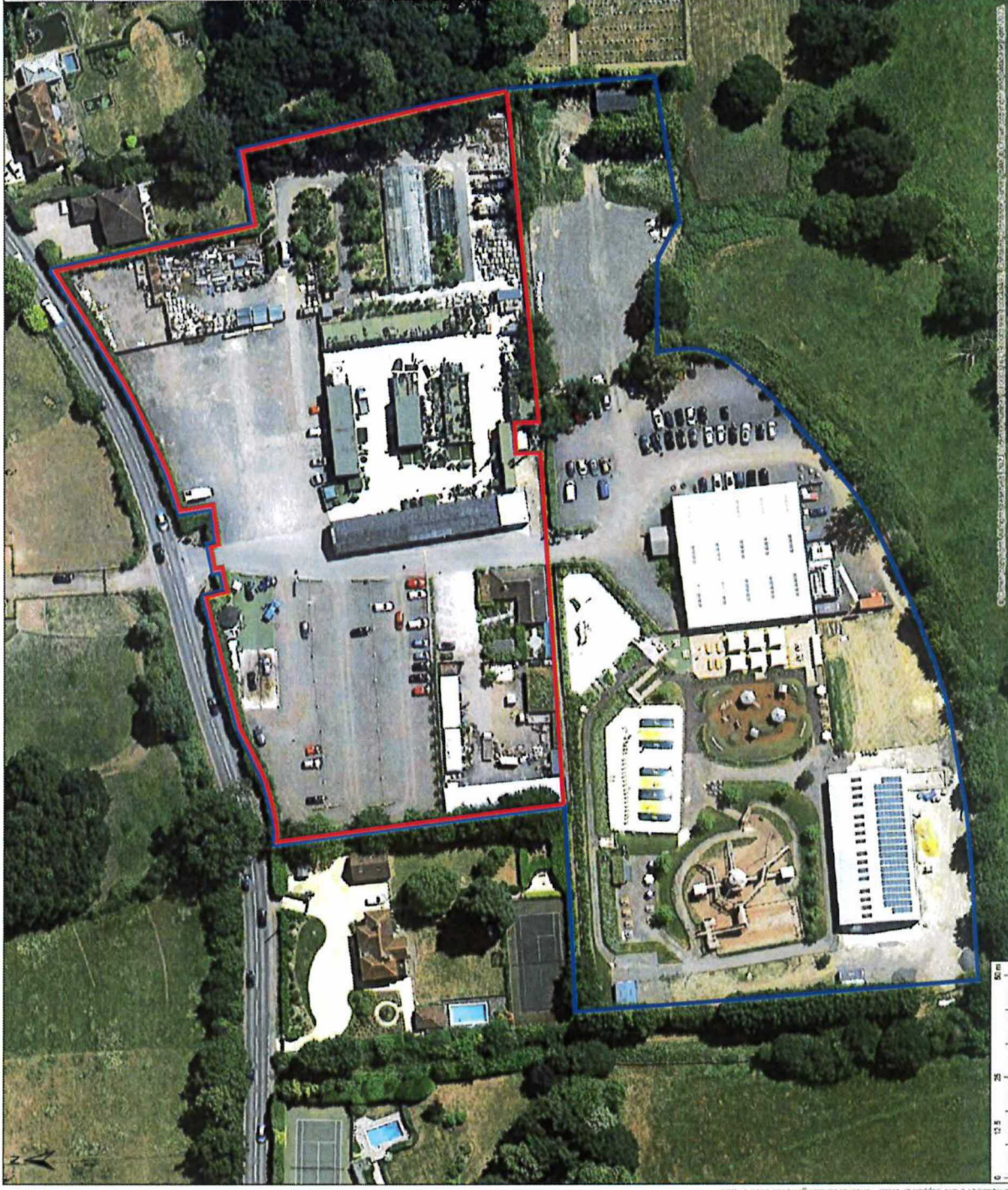


20 Western Avenue, Milton Park, Abingdon, Oxfordshire, OX14 4SH
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Client -
 Project - Clopham Adventure Farm
 Title - Aerial Imagery
 Date - 25/03/2017 - Google Earth
 Status - DRAFT
 Drawn By - JM
 PM/Checked By - DH
 Project Number - NP12600
 Scale @ A3 - 1:900
 Date Created - MAY 2023
 Figure Number - 16
 Rev -

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Client: **Clopham Adventure Farm**
 Project: **Clopham Adventure Farm**
 Title: **Aerial Imagery**
 23/05/2018 - Google Earth
 Status: **DRAFT** Drawn By: **JIM** PM/Checked By: **DH**
 Project Number: **NP12600** Scale @: **A3** Date Created: **MAY 2023**
 Figure Number: **18** Rev: **-**
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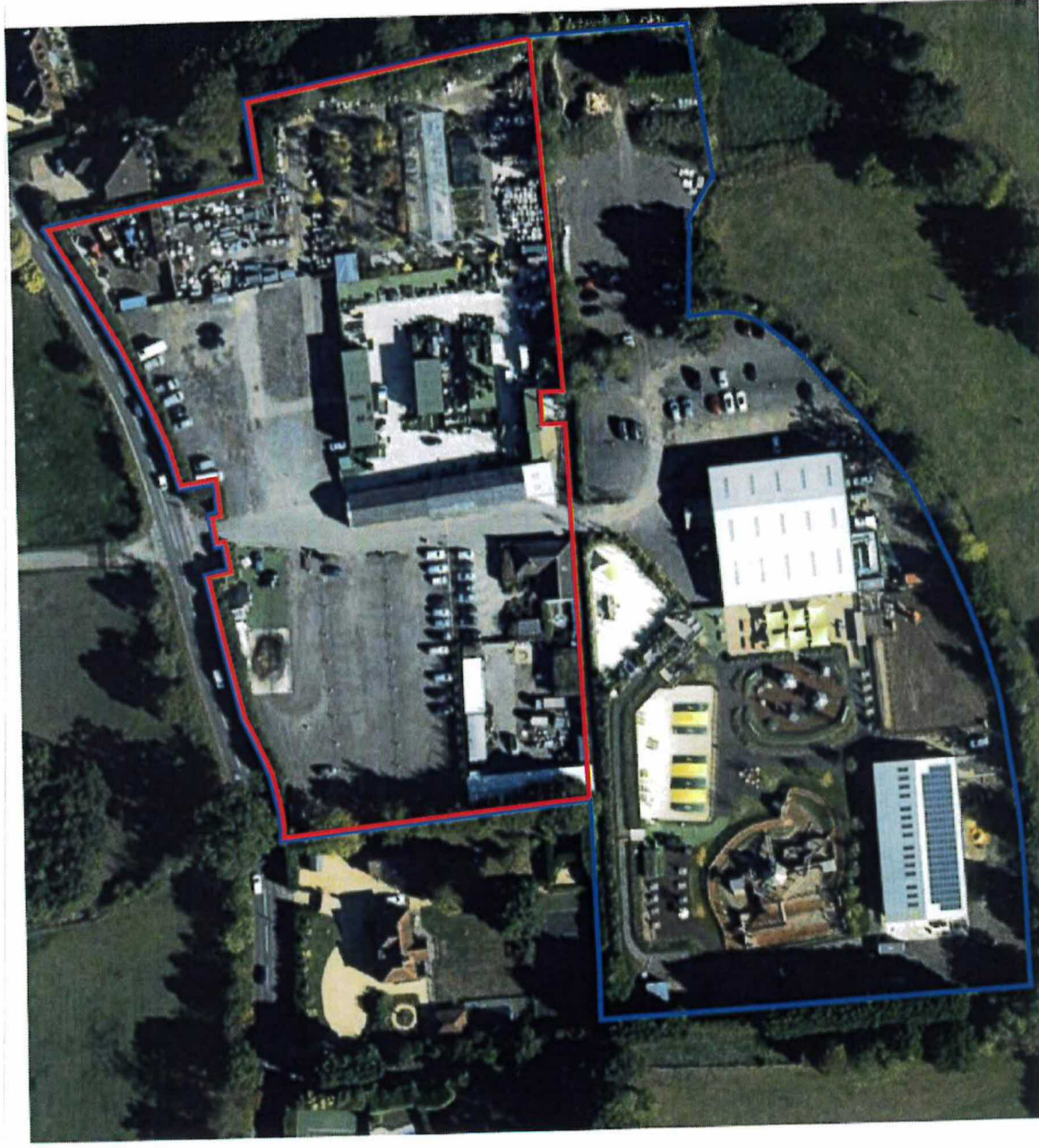


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Client -

Project Clopham Adventure Farm
Title Aerial Imagery
 09/10/2018 - Ordnance Survey
Status DRAFT
Drawn By JM
Checked By PM/DH
Project Number NP12600
Scale @ A3 1:900
Date Created MAY 2023
Figure Number 19
Rev -

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18-10-09

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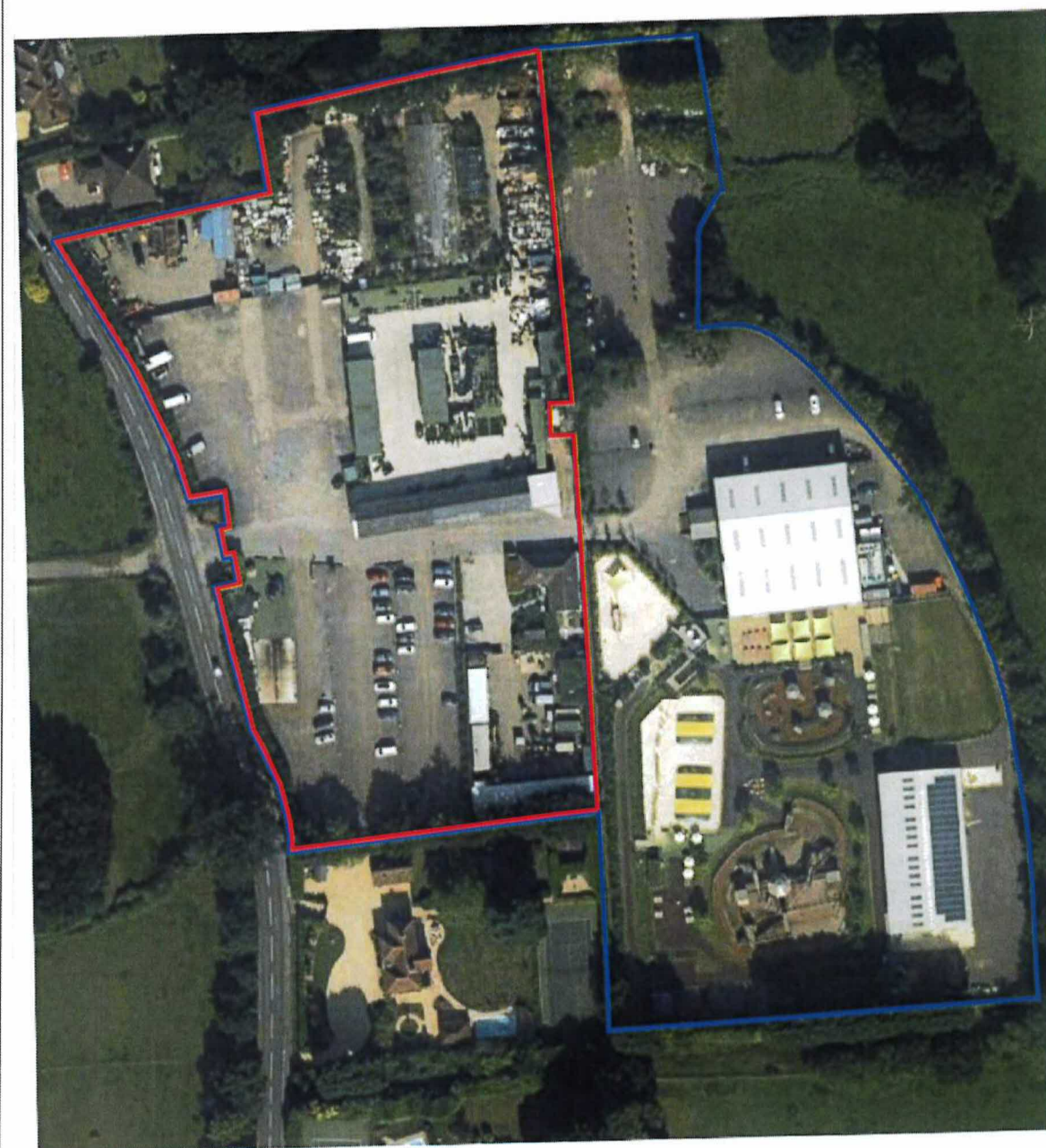
| Rev | Description | By | CE | Date |
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Client -
 Project - Clopham Adventure Farm
 Title - Aerial Imagery
 29/06/2019 - Bluesky
 Status - DRAFT
 Drawn By - JM
 PM/Checked By - DH
 Project Number - NPT2600
 Scale @ A3 - 1:900
 Date Created - MAY 2023
 Figure Number - 20
 Rev -

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Scale 1:900
 Date 2019 06 29

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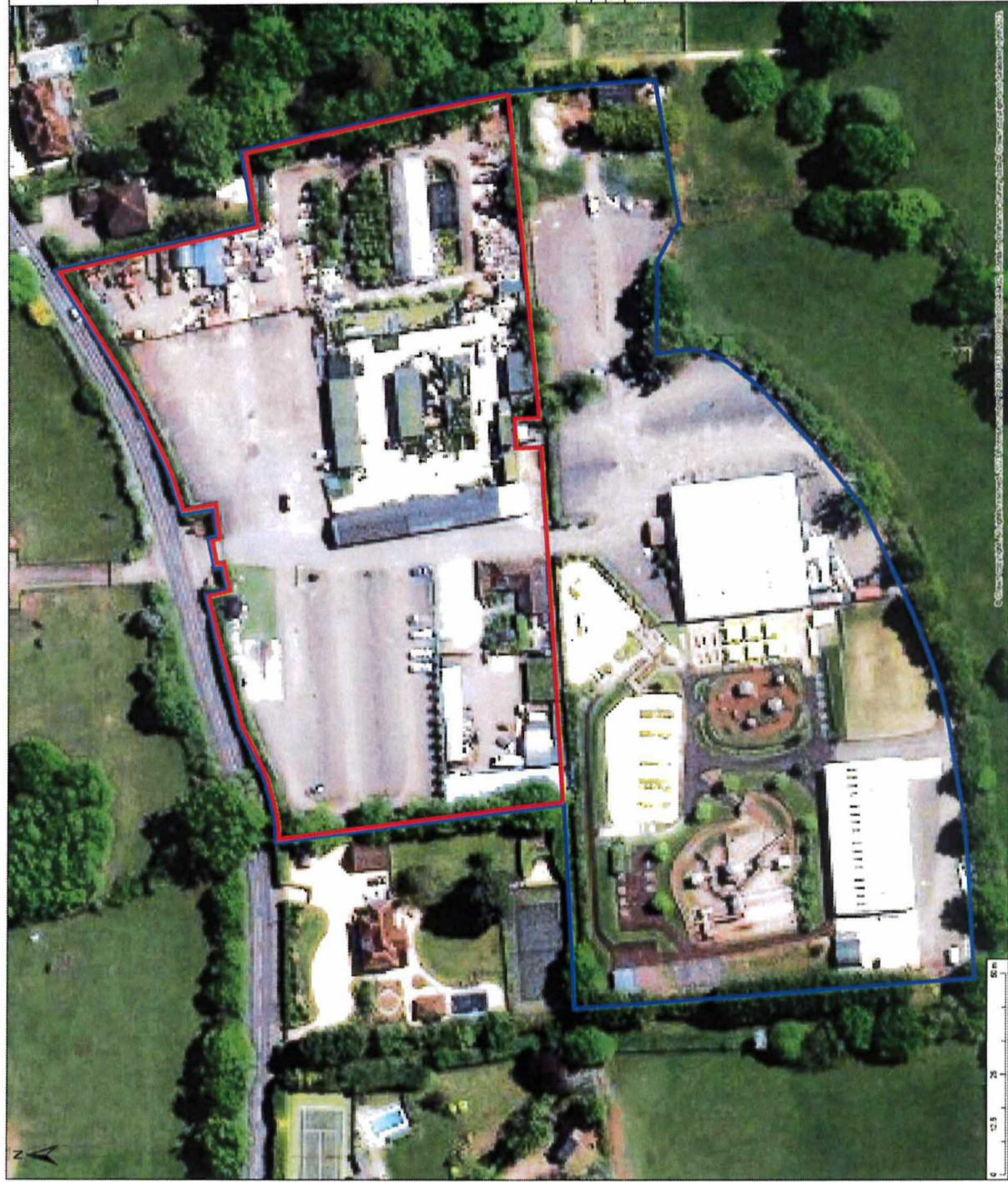
Client -

Project Clopham Adventure Farm

Title Aerial Imagery
21/09/2019 - ESRI

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| Status | Drawn By | PM/Checked By |
| DRAFT | JM | DH |
| Project Number | Scale @ A3 | Date Created |
| NP12600 | 1:900 | MAY 2023 |
| Figure Number | | Rev |
| 21 | | - |

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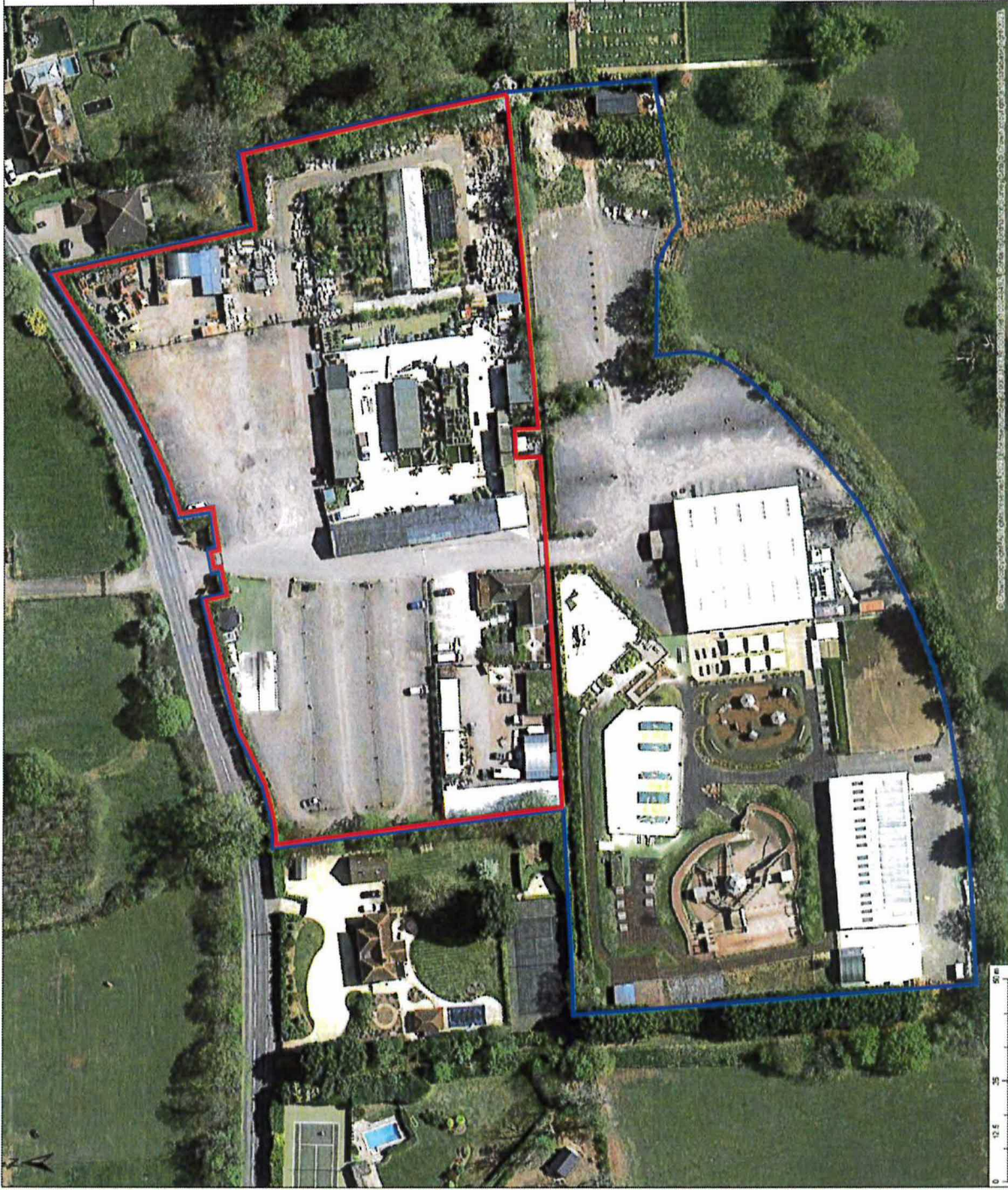
| Rev | Description | By | CS | Date |
|-----|-------------|----|----|------|
| | | | | |



20000 Rye Road, Suite 100, Raleigh, North Carolina, 27604-4318
 Phone: 919.875.4444 | Fax: 919.875.4444 | Email: info@rpsgroup.com

Client -
 Project - Clopham Adventure Farm
 Title - Aerial Imagery
 Date - 15/04/2020 - Google Earth
 Status - DRAFT
 Drawn By - JM
 Project Number - NP12600
 Scale @ A3 - 1:900
 Date Created - MAY 2023
 Figure Number - 22
 Rev -

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C:\Users\jg1\OneDrive\Documents\2023\Projects\NP12600\Clopham Adventure Farm\Clopham Adventure Farm_Aerial_2020_05_23.dwg

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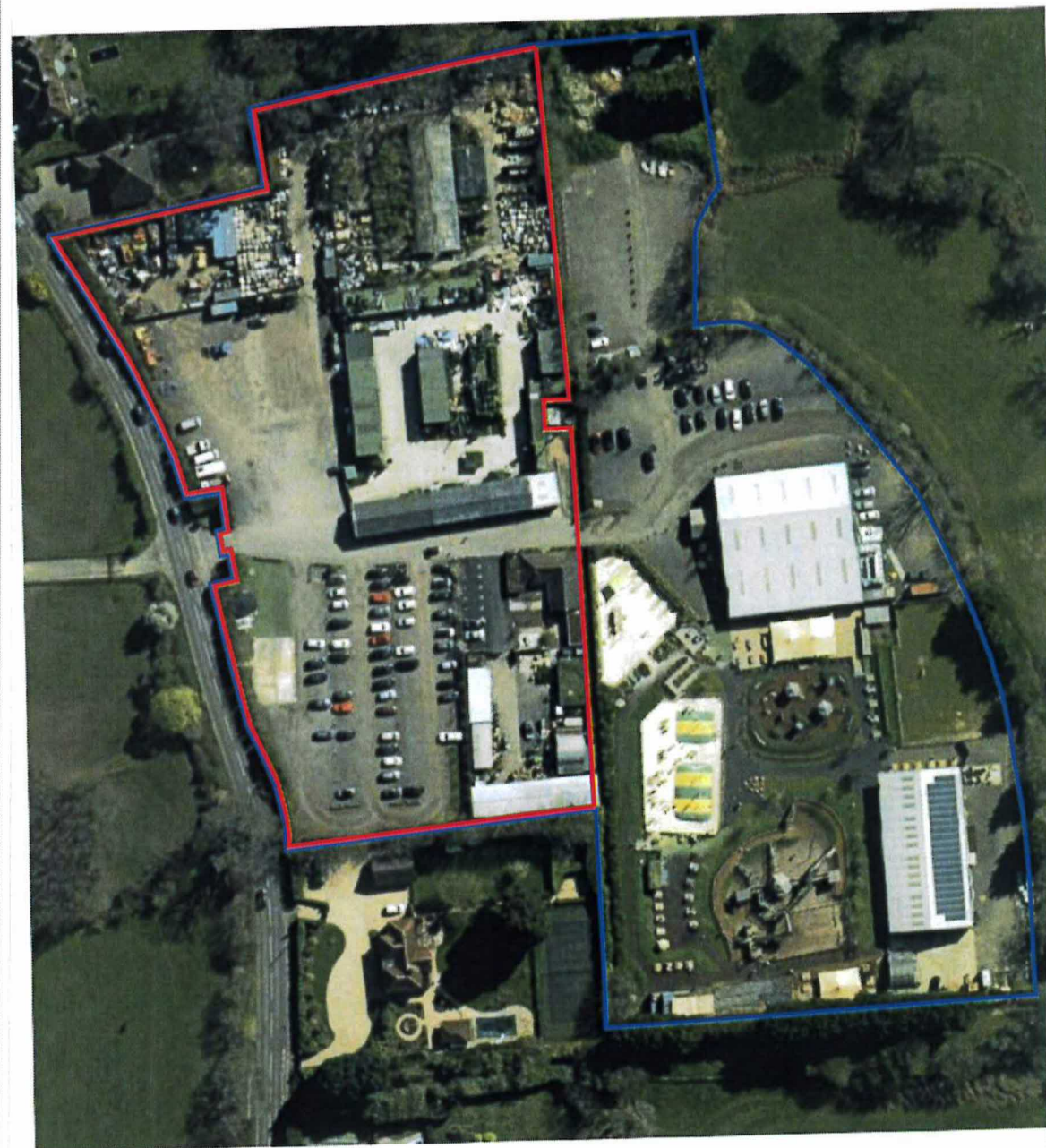
| Item | Description | By | CB | Date |
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Client -
Project Clopham Adventure Farm
Title Aerial Imagery
Date 17/04/2021 - Ordnance Survey
Status DRAFT
Project Number NP12000
Figure Number 23
Drawn By JM
Scale @ A3 1:900
Date Created MAY 2023
PM/Checked By DH
Rev -

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Client -

Project - Clopham Adventure Farm

Title - Aerial Imagery
16/07/2021 - Google Earth

Status - DRAFT
Drawn By - JIM
PK/Checked By - DH

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

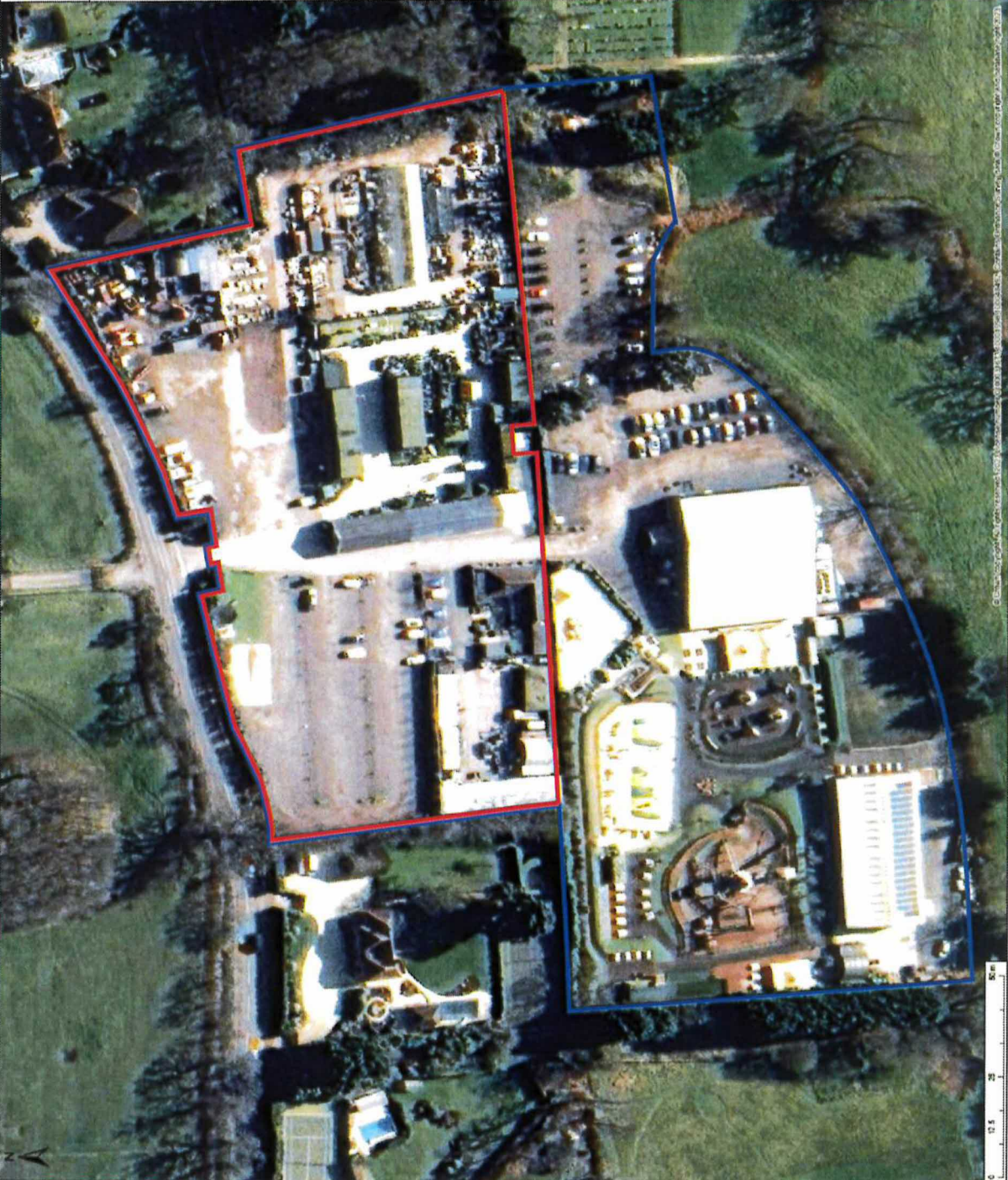
Figure Number - 24
Rev -

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Client

Project Clopham Adventure Farm

Title Aerial Imagery
01/03/2022 - Google Earth

| | | |
|----------------|----------|---------------|
| Status | Drawn By | PM/Checked By |
| DRAFT | JM | DH |
| Project Number | Scale @ | Date Created |
| NP12600 | 1:900 | MAY 2023 |
| Figure Number | Rev | Rev |
| 25 | - | - |

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