



Appeal Decision

Inquiry held on 8 July 2025

Site visit made on 8 July 2025

by Paul Dignan MSc PhD

an Inspector appointed by the Secretary of State

Decision date: 16th July 2025

Appeal Ref: APP/D3640/C/24/3358154

154 Guildford Road, West End, Woking, Surrey, GU24 9LT

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Maurice Black against an enforcement notice issued by Surrey Heath Borough Council.
 - The notice was issued on 5 December 2024.
 - The breach of planning control as alleged in the notice is Without planning permission the material change of use of the land to land for the siting of 2 No. caravans for residential use.
 - The requirements of the notice are: a) Cease the use of the land edged in red on the plan attached to the notice for two caravan pitches; b) Remove the two caravans sited upon the land edged in red on the attached plan; and c) Remove any residential paraphernalia associated with the 2 caravans from the land edged in red including any service connections or sewage treatment systems.
 - The period for compliance with the requirements is 6 months.
 - The appeal is proceeding on the ground[s] set out in section 174(2)(a), (b), (d) and (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal on ground (a) is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act (as amended) for the development already carried out, namely the material change of use of the land to land for the siting of 2 No. caravans for residential use at 154 Guildford Road, West End, Woking, Surrey, GU24 9LT, as shown on the plan attached to the notice, and subject to the following conditions:
 - 1) The caravans hereby permitted shall be occupied for permanent residential purposes only as a sole or main place of residence and shall not be used for short term letting, as holiday accommodation or for any other purpose.
 - 2) The use hereby permitted shall cease and all caravans, structures, equipment and materials brought on to the site for the purposes of such use and the hardstanding shall be removed within 30 days of the date of failure to meet one of the requirements set out in (i) to (iv) below:
 - (i) Within 6 months of the date of this decision a Site Development Scheme (SDS) shall be submitted for the written approval of the local planning authority. The SDS shall include details of:
 - (a) The internal layout of the site, including the extent of any amenity or open areas, the position of the access driveway and the locations of caravans, vehicular parking, any buildings and hardstanding;

- (b) Proposed and existing external lighting on the boundary of and within the site;
 - (c) All boundary treatment and other means of enclosure, incorporating the retention and improvement of the existing planting around the entirety of the site, and including details to identify any existing boundary fencing which is to be removed;
 - (d) Tree, hedge and shrub planting including details of species, plant sizes and proposed numbers and densities. Unless identified to be removed, all existing trees and hedgerows on the land, shall be retained and the scheme shall include measures for the protection of these features throughout the course of the development; and
 - (e) A timetable for the implementation of the SDS.
- (ii) Within 11 months of the date of this decision should the local planning authority refuse to approve the site development scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - (iii) If an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted site development scheme shall have been approved by the Secretary of State.
 - (iv) The approved SDS shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved SDS, it shall thereafter be maintained for the duration of the development.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until the legal challenge has been finally determined.

- 3) No commercial activities shall take place on the site, including the storage of materials, plant and equipment.
- 4) No vehicles over 3.5 tonnes shall be stored or parked on the site at any time.

Preliminary Matters

- 2. The appeal site is located on the outskirts of the village of West End within the Metropolitan Green Belt. The area is designated as countryside in the existing and emerging local plans. The site is located within the zone of influence of the Colony Bog & Bagshot Heath SSSI which forms part of the Thames Basin Heath Special Protection Area (TBHSPA). The overall property comprises 3 distinct areas, all accessed by a common driveway running along the northern boundary. These are the principal¹ dwelling towards the front of the site with outbuildings and gardens, the appeal site in the middle, comprising a fenced off area used for siting caravans, along with a parking/turning area, and to the rear of that is a fenced off and gated yard with further buildings. Although there is a degree of connectivity between them, each area has clear physical separation, easily identifiable on the ground.

¹ Other buildings on the property are claimed to be used as dwellings, but they do not benefit from planning permission or any certification.

3. An appeal on ground (b) was added late in the appeal process following discussion of the appropriate planning unit at the Case Management Conference held on 16 May 2025. The argument on that ground was that the entire property formed a single planning unit. If that was so then the allegation would have been incorrect. It is customary in enforcement appeals to deal with any legal grounds before turning to ground (a) and the deemed planning application (DPA), if made. An incorrect allegation can be corrected, subject to injustice to either party. Among other things, that provides clarity to the DPA. In this case I was asked by both parties at the outset of the Inquiry to deal with ground (a) and the DPA first, on the basis of the allegation as set out in the notice.

Reasons

4. The reasons given for issuing the enforcement notice were that the matters alleged comprised inappropriate development in the Green Belt, harm to the character of the area, and the effect on the integrity of the TBHSPA. Following changes to national policy after the issue of the notice, the Council no longer consider the development to be inappropriate development in the Green Belt. In December 2024 the National Planning Policy Framework (NPPF) introduced the concept of Grey Belt, and if the development was on Grey Belt land and satisfied the criteria in NPPF paragraph 155 then it was considered to be not inappropriate development for Green Belt purposes, which would alter the planning balance.
5. It is not disputed that the appeal site satisfies the core definition of Grey Belt, as set out in the NPPF Glossary. It comprises previously developed land and it does not contribute strongly to the relevant Green Belt purposes. There are: a) to check the unrestricted sprawl of large built-up areas; b) to prevent neighbouring towns merging into one another; and d) to preserve the setting and special character of historic towns. I concur.
6. Grey Belt excludes land where the application of the policies relating to the areas or assets in footnote 7 of the NPPF (other than Green Belt) would provide a strong reason for refusing or restricting development. Of relevance here is the potential effect of the development on the TBHSPA. Without appropriate mitigation Natural England (NE) has advised of risk to the integrity of the TBHSPA of new residential development within the zone of influence of the SPA due to recreational pressures. NE considers however that compliance with the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2019, as amended by the revised SAMM tariff set out in the Natural England letter dated 15 December 2020, will avoid adverse effects. The appellant has executed a TCPA Section 106 Unilateral Undertaking which meets the requirements of the SPD, hence it can be concluded that the development alone or in combination with other plans or projects will not affect the integrity of the TBHSPA. The land can therefore be regarded as Grey Belt for NPPF purposes, and there is compliance with Policy CP14B (vi) (European Sites) of the Surrey Heath Core Strategy and Development Management Policies Document 2012 and saved Policy NRM6 (Thames Basin Heath Special Protection Area) of the South East Plan 2009.
7. NPPF paragraph 155 provides that development on Grey Belt land in the Green Belt should not be regarded as inappropriate where it would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan, there is a demonstrable unmet need for the type of development proposed, and the development would be in a sustainable location. All three

criteria are met in this case. So far as the need for the development proposed is concerned, the Council has neither a 5-year supply of deliverable housing sites nor a 5-year supply of deliverable traveller sites, hence in accordance with footnote 56 there is a demonstrable need for the development, whether as the provision of housing or the provision of traveller sites. The sustainability of the location refers particularly to NPPF paragraphs 110 and 115, and for traveller site provision to Planning Policy for Traveller Sites (PPTS) paragraph 13². There is no dispute that the development location complies with those policies.

8. It follows therefore that the development, whether as general housing or traveller sites, is not inappropriate development in the Green Belt, so that very special circumstances do not need to exist before planning permission can be granted. The Council no longer consider that the development causes harm to the character and appearance of the area. Having visited the site I agree. Although in the countryside it is within a built-up area and the site itself is largely visually contained within the wider property. In streetscene terms it is barely visible.
9. In summary, the Council's reasons for issuing the notice are no longer sustained. In view of the absence of planning policy conflicts I consider that the development enforced against complies with the development plan, but in any case the lack of a 5-year supply of deliverable housing sites or traveller sites means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. The benefits of providing 2 units of housing, whether general or traveller sites, are substantial given the demonstrable need, and no adverse impacts have been identified. It follows that a grant of planning permission is warranted.
10. The application of PPTS policies is not critical to my conclusion, and the deemed planning application is simply for the material change of use to use for the siting of 2 caravans for residential use. Accordingly there is no need to restrict the occupation of the caravans to those who meet the PPTS definition. However, to secure the benefits of contributing to meeting housing needs in the Borough I shall impose a condition preventing the use of the caravans other than for permanent residential purposes. In view of the retrospective nature of the development I shall also require the submission of a Site Development Scheme (SDS) requiring the provision of details of internal layout, external lighting, boundary treatment and landscaping, in the interests of local character and the living conditions of the occupiers. For those reasons I shall also preclude the use of the site for commercial purposes and limit the size of vehicles that can be parked or stored.
11. The appeal on ground (a) succeeds and planning permission is granted on the deemed planning application. The enforcement notice will therefore be quashed. For this reason I do not consider it necessary to determine the appeals made on grounds (b) and (d), and the appeal on ground (g) does not fall to be considered.

Paul Dignan

INSPECTOR

² The current occupiers meet the definition of "gypsies and travellers" set out in PPTS Annex1: Glossary.

APPEARANCES

FOR THE APPELLANT:

Alan Masters	Barrister
Maurice Black	Appellant
Brian Woods	Consultant

FOR THE COUNCIL:

Scott Stemp	Barrister
Julia Greenfield	SHBC Enforcement
Navil Rahman	SHBC Planning

DOCUMENTS

- 1 Signed s106 Unilateral Undertaking