



Appeal Decision

Hearing held on 24 November 2025

Site visit made on 24 November 2025

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 December 2025

Appeal Ref: APP/Z5630/W/20/3245773

Rushett Stables, Leatherhead Road, Chessington, KT9 2NG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Miss Laura Williams against the decision of Royal Borough of Kingston Upon Thames.
 - The application Ref is 19/01451/FUL.
 - The development proposed is change of use of land to a private Gypsy and Traveller caravan site consisting of one mobile home and associated development, demolition of stable building.
 - This decision supersedes that issued on 21 July 2022. That decision on the appeal was quashed by order of the High Court.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of land to a private Gypsy and Traveller caravan site consisting of one mobile home and associated development, demolition of stable building, at Rushett Stables, Leatherhead Road, Chessington, KT9 2NG in accordance with the terms of the application Ref 19/01451/FUL, subject to the conditions in the attached schedule.

Applications for Costs

2. Before the hearing an application for costs was made by Miss Laura Williams against the Council. This is the subject of a separate decision.

Preliminary Matters

3. Following a High Court challenge to a previous Inspector's decision dated 21 July 2022, this appeal is to be redetermined on the basis that the whole case is considered afresh. The quashed decision is treated as if it had not been made and is incapable of having any legal effect. It remains, however, a material consideration and I have had regard to it at as such. In redetermining the case I have reviewed all the relevant planning issues and representations.
4. The appeal site is previously developed land (PDL) comprising a stable building and a separate tack room, with outside areas laid to hardstanding. This forms the baseline of my assessment of the effects of the proposed development.
5. A mobile home has been sited at the north end of the appeal site and is in residential use. I have therefore considered the appeal on the basis that the development has begun.
6. Whilst not referenced within the description of development, the proposal also includes the demolition of the tack room. I have assessed the appeal on this basis.

7. Following the quashing of the previous decision both the National Planning Policy Framework (the Framework) and the Planning Policy for Traveller Sites (the PPTS) have been revised. The main parties were provided with the opportunity to comment on this change in circumstances during the appeal and at the hearing itself, and I have taken those submissions into account in my decision.

Main Issues

8. The main issues are:

- whether or not the proposal would be inappropriate development in the Green Belt having regard to the Framework.
- the effect of the proposal on the character and appearance of the area;
- the question of the need for and supply of Gypsy and Traveller sites;
- the issue of intentional unauthorised development; and,
- whether or not the proposal would accord with the development plan when considered as a whole and whether or not material considerations indicate a decision should be made other than in accordance with the development plan.

Reasons

Whether or not inappropriate development

9. The site is situated within the countryside and the Green Belt directly to the east of the A243 Leatherhead Road, on the opposite side of which is the fairly large Chessington Garden Centre. A short distance to the north is the Chessington World of Adventures theme park, zoo and resort. The large built-up areas of Chessington and Leatherhead are a reasonable distance away to the north and south respectively.
10. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. Paragraph 143 lists the various purposes of the Green Belt. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
11. This is subject to a list of exceptions, which are set out within Paragraphs 154 and 155. The PPTS states that Gypsy and Traveller sites in the Green Belt are inappropriate development unless these exceptions apply. One such exception is Paragraph 154 g): the limited infilling or the partial or complete redevelopment of PDL (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.
12. Openness has a visual and a spatial aspect. The evidence accompanying the scheme convincingly indicates that, in relation to the removal of the stable building and tack room and the siting of a typical twin unit mobile home, there would be a clear reduction in volume and massing and thus an increase in spatial openness on the site. Despite being in active residential use, there was little in the way of outside domestic paraphernalia present on the site when I visited. In my view the extent of

domestic trappings associated with the proposed use would not be significantly different to that one would anticipate associated with the existing equestrian use, such as outside storage, and the parking of vehicles, horse boxes and trailers. Therefore, the scheme as a whole would improve the spatial aspect of openness.

13. Visually the site is well contained, with largely dense and well-established greenery forming its boundary with the A243, with only the top of the stables and tack room visible. This is complemented by a fence which has been erected behind the vegetation. Filtered views and highly filtered views of the buildings exist at a far distance from Rushett Lane and a Public Right of Way off Rushett Lane to the south and southeast respectively. Activity within the site is not discernible.
14. The mobile home would be taller than the stables and tack room and so in that sense would have a small increased visual presence. However, it would also extend along less of the roadside boundary. Given this, and the limited way in which the site is experienced, the likely reduction in the visual aspect of openness would be negligible. Overall, the scheme would preserve the openness of the Green Belt, and so would come nowhere close to causing substantial harm to it. It follows that this exception applies, and the proposal would be not inappropriate.
15. Paragraph 155 introduces the concept of 'grey belt'. It says that development in the Green Belt should not be regarded as inappropriate where it would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the plan area. This is providing there is a demonstrable unmet need for the development and that the site is in a sustainable location, with reference to Paragraphs 110 and 115 of the Framework. Importantly, footnote 57 informs us that, in relation to Gypsy and Traveller development, decision makers should also make particular reference to Paragraph 13 of the PPTS.
16. Grey belt is defined as land in the Green Belt comprising PDL and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in Paragraph 143. Grey belt excludes land where the application of the policies relating to the areas or assets in footnote 7 to Paragraph 11 d) i) (except the Green belt) would provide a strong reason for refusing the development. There is no dispute between the main parties that none of the assets in footnote 7 would be affected by the development and I agree. The Council, however, considers the site to make a strong contribution to purpose a), which is to check the unrestricted sprawl of large built-up areas.
17. The site is within wider land parcel GB7¹. GB7 is very open with a general absence of development. Given the 'urban fringe' type uses surrounding the parcel, such as the garden centre and the theme park, and its position between Chessington and Leatherhead, GB7 as a whole makes a strong contribution to purpose a). However, the appeal site, as a small area of PDL extensively containing buildings and the hardstanding, bucks the trend within GB7 and itself makes only a weak contribution to this purpose. It also follows that the scheme would not undermine the purposes of the remaining Green Belt within the area, and certainly not fundamentally so.
18. The Council accepts that there is a demonstrable unmet need for Gypsy and Traveller development in the plan area. It does equally, however, consider the site to be unsustainably located, with reference to the Public Transport Accessibility Level (PTAL) method for assessing such. Given that the PTAL is a principally urban

¹ The Council's Green Belt and Metropolitan Open Land Assessment (2018)

centric tool benchmarked against the most publicly accessible areas within London, I do not find it to be an especially instructive metric to gauge the accessibility of the appeal site for Gypsy and Traveller development, which tends to be more rural in nature and is intrinsically dependent on private travelling.

19. What is more compelling is the reasoning of the previous Inspector at this site, who found it to be at least moderately accessible for Gypsy and Traveller use. I wholly agree, owing to the various services in Chessington and Leatherhead being only a short distance away by private vehicle, and given the immediate proximity to the grocery and food and drink offer within the garden centre. Moreover, bus stops are a very short walk across the A243 which provide access to these settlements. The carriageway is safe to cross with due care and attention to access these services.
20. The Council accepts there are no suitable alternative available sites for the appellant and her family to resort to in the event that I were to dismiss the appeal. It logically follows that a consequence of doing so would be an unauthorised, roadside existence for this family, which would be inherently unsustainable. Paragraph 13 of the PPTS refers to the need to provide a settled base for Gypsy and Traveller families that reduces both the need for long-distance travelling and possible environmental damage caused by unauthorised encampment.
21. It also highlights the need to ensure that children can attend school on a regular basis, and the documentation I have setting out the appellant's children's attendance at local schools demonstrates the site to be accessible in this respect. With regard to the need to promote peaceful and integrated co-existence between sites and the local community, the success of the site in this respect is borne out through the submissions of a number of interested parties made in support of the proposal.
22. Given such, the site is in a sustainable location for Gypsy and Traveller development, the exception set out by Paragraph 155 applies, and so the proposal is not inappropriate development with reference to this exception too.
23. It follows that the proposal would accord with Policies CS3 and DM5 of the Core Strategy (adopted 2012), the Framework and the PPTS insofar as they seek to protect the Green Belt from inappropriate development.

Character and appearance

24. Despite the increasing imposition of the urban fringe type uses in the local area, it retains a rural character overall. This is not least due to the almost complete absence of development within the verdant and natural fields and woodlands on the appeal site's side of the A243. The stables are partially visible from the A243 but are modest utilitarian structures compatible with the rurality of this environment.
25. The mobile home would be more prominent given its height, and its stock domestic character would be more jarring within this sensitively rural location. However, much of the mobile home would be screened. The A243 has an overriding place function, most views of the site are therefore transient, and so public perception of the mobile home would be fleeting in the majority of cases. Additional landscaping to the site boundaries would ensure that the already filtered and/or distant views towards the site could be further softened and diminished. Outside activity and domestic trappings would not be readily discernible from the public realm.

26. Accordingly, I conclude that there would be harm to the character and appearance of the area, but it would be highly localised and limited. This would nonetheless lead the proposal into conflict with Policies CS3 and DM5 of the Core Strategy insofar as they seek to protect local landscape character.

The question of the need for and supply of Gypsy and Traveller sites

27. The Council has no supply of Gypsy and Traveller sites. The latest evidence base regarding the need for such in the plan area is the Council's 2018 GTAA². It establishes an unmet need for 44 sites between 2018-2041 and for 30 of those by the end of 2023. As far as I am aware, very few, if any, sites have been granted permission since the GTAA identified these figures.
28. The GTAA is of an age now where it cannot be wholly relied upon anyway; that children within the appellant's own family have since reached adulthood and may require sites of their own is testament to that. Furthermore, the broadening of the definition of Gypsies and Travellers within the updated PPTS in the intervening period strongly suggests that the level of unmet need is likely to be materially higher.
29. The emerging local plan is at the Regulation 18 stage. At the hearing the Council was unable to give any assurance as to when it would be examined, nor how the need for sites would be met. It was accepted that any plan led solution could be years away. Whilst uncertainty regarding the adoption of the 2021 London Plan may have influenced the slow speed of progress before, little progress has been made since the decision in 2022 that was subsequently quashed, and this does not alter the practical implications of the situation for the Gypsy and Traveller community in this local area.
30. Within this context, the absence of supply and the level of unmet need for sites, and the contribution the scheme would make to addressing both of these issues, attracts substantial weight in favour of this proposal. As does the concept of policy failure as it is clear that the Council's inability to meet the needs of the Gypsy and Traveller community within the plan area is longstanding, and evidently there was an unmet need for sites long before the appellant moved to Rushett Stables in 2016.

The issue of intentional unauthorised development

31. In 2015 the Government issued a planning policy statement that made intentional unauthorised development a material consideration in the determination of applications and appeals. In doing so, the Government was especially focused on the costs that this issue can impose on Local Planning Authorities and also the harm that can be caused by such development in the Green Belt.
32. The issue of policy failure has a bearing on this matter here. It is accepted that the appellant moved onto the site in 2016 in the full knowledge that to do so was unauthorised in planning terms. However, given that there were no suitable alternative pitches available at the time, this tempers the weight I attribute to this issue, which is limited. I recognise that the previous Inspector gave this issue significant weight, but I have based my assessment on the evidence I have read and heard regarding both the current circumstances and the chronic lack of supply.

² Royal Borough of Kingston upon Thames Gypsy and Traveller Accommodation Needs Assessment (September 2018)

Other Matters

33. In addition to the quashed decision, I have had full regard to the earlier appeal decision at the site in 2017. However, given that that scheme sought to incorporate the tack room and stables, it is materially different to that before me. The policy landscape, the personal circumstances of the appellant and her family, and the extent of the need for and supply of Gypsy and Traveller sites has also shifted quite considerably in the meantime. On this basis, the Inspector's reasoning within the 2017 appeal decision has had little bearing on my own assessment.
34. I am aware of the planning history at the site more generally, and the circumstances surrounding the permission for the equestrian facility in 2015, which have been aired several times in interested party submissions. However, my assessment is focused on the planning merits of the scheme. In terms of highway safety, I found there to be sufficient visibility in both directions along Leatherhead Road and of adjacent junctions to ensure that there would be no unacceptable conflict between road users. Given that the scheme would reuse PDL which is actively occupied and utilised and with little evidence of ecological value, I am satisfied that there would be no unacceptable ecological effects arising from the development.
35. It has been suggested that the appellant could return to bricks and mortar housing, but this was clearly an uncomfortable arrangement for the family at the time, albeit family circumstances have changed. To now return to bricks and mortar would nonetheless compromise the cultural traditions essential to the appellant and her family's wellbeing, particularly the children, who are ethnically Gypsies and are being raised in the traditional Gypsy and Traveller way of life.

Planning Balance

36. Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
37. Policy DM16 is the Core Strategy's principal policy expression for the management of Gypsy and Traveller development in the plan area. With regard to its criteria, I have already found the site to have adequate access to services and facilities. It is not located in an area of high flood risk nor is there evidence of land contamination. Within the context of the absence of any supply and the escalating unmet need for sites, I afford the accordance with Policy DM16 substantial weight.
38. On the other hand, given the harm that would arise to the character and appearance of the area, the scheme would conflict with the aspects of Policies CS3 and DM5 relevant to that particular issue. However, as I have found that the actual harm that would arise would be very limited and localised, I attribute the conflict with these policies in this regard limited weight.
39. This leads me to the conclusion that the proposal would accord with the development plan when read as a whole.
40. As for the other material considerations, these are also overwhelmingly in favour of the proposal. The issue of intentional unauthorised development counts against the scheme but, for the aforementioned reasons, not compellingly so. The other considerations before me do not therefore indicate that I should make a decision other than in accordance with the development plan.

Conditions

41. Although the Council originally put forward a number of conditions, at the hearing the Council accepted that it was content for only the conditions on the quashed decision to be imposed, in the event I were minded to allow the appeal. I agree, save for the condition restricting the size of the mobile home, given that it was logically imposed within the context of the previous Framework and the more stringent policy requirement within it relating to openness when redeveloping PDL.
42. Given that development has already begun, the standard time condition is not required. Likewise, as the only drawing subject to the Council's decision is the site location plan, a plan specifying the approved plans is not required.
43. In the interest of the Green Belt and the character and appearance of the area, conditions are required to limit the number of caravans on the site to two at any one time, to preclude commercial activity and excessively large vehicles, and for any external lighting to be agreed with the Council before it is installed. As my decision is based in part on the removal of the stable building and the tack room, a condition is essential to ensure these buildings are indeed removed. Given that it is now Winter, six months is a reasonable time period for this work to be carried out.
44. For the same reason, a condition is required to maintain that occupants of the site are Gypsies and/or Travellers as defined by the PPTS. Finally, given the lack of detailed information as to the final site layout and landscaping, a condition shall allow the Council to agree these details in an appropriate timescale.
45. An interested party has suggested that a personal permission may be more appropriate. However, the scheme is acceptable on its own terms without the need to bring the personal circumstances of the appellant into it, and therefore a condition restricting the occupation of the site on a personal basis would fail the test of necessity. For the same reasons, and also the stark situation with regard to need and supply, a condition restricting the scheme to a temporary period is also not necessary.

Conclusion

46. For the reasons given above, and taking all other matters raised into account, I conclude that the appeal should be allowed.

Matthew Jones

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Dr Angus Murdoch	Planning Agent
Mr Rhodri Crandon	Landscape and Green Belt specialist
Miss Laura Williams	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Mr William Flaherty	Lead Officer, Development Management
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INTERESTED PARTIES:

Mr Andrew Watson	Local Resident
Ms Petrina Tatnall	Local Resident

DOCUMENTS SUBMITTED AT THE HEARING

Paper copy of unredacted personal statement of Miss Laura Williams

Personal medical information

SCHEDULE OF CONDITIONS

- 1) No more than two caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (as amended), of which no more than one caravan shall be a static caravan, shall be stationed on the site at any time.
- 2) No commercial activities shall take place on the land, including the storage of materials.
- 3) No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.
- 4) Prior to the installation of any external lighting, details shall be submitted to and be approved in writing by the Local Planning Authority, and any external lighting shall be erected in accordance with the approved details and thereafter be so retained.
- 5) The stables and tack room shall be removed in their entirety from the site within 6 months of the date of this decision.
- 6) The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, and all other persons with a cultural tradition of nomadism or of living in a caravan, but excluding members of an organised group of travelling showpeople or circus people travelling together as such, in accordance with Planning Policy for Traveller Sites or replacement planning policy or guidance.
- 7) The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 3 months of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i) Within 3 months of the date of this decision a scheme for landscaping and the site layout shall have been submitted for the written approval of the Local Planning Authority and the scheme shall include a timetable for its implementation.
 - ii) If within 11 months of the date of this decision the Local Planning Authority refuse to approve the 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 scheme shall have been approved by the Secretary of State.
 - iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be maintained.

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 that legal challenge has been finally determined.