



Appeal Decisions

Hearing held on 25 November 2025

Site visit made on 25 November 2025

by Sarah Dyer BA BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th December 2025

Appeal A Ref: APP/Y3615/C/25/3369001

Land at the Paddock, Compton, Guildford, GU3 1AD, also known as Grace Acres and also known as Land at Monkshatch Garden Farm, Down Lane, Compton, Guildford

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr John Wenman against an enforcement notice issued by Guildford Borough Council.
 - The notice was issued on 11 June 2025.
 - The breach of planning control as alleged in the notice is without planning permission, the material change of use of the Land to a mixed use of residential through the siting of a mobile home and for equestrian purposes, the erection of an equestrian building, fencing, gates and the installation of hardstanding.
 - The requirements of the notice are to:
 - i) Cease the use of the Land for equestrian purposes;
 - ii) Remove all items and paraphernalia on the Land for equestrian purposes;
 - iii) Cease the use of the Land for residential purposes;
 - iv) Remove all items and paraphernalia on the Land for residential purposes, to include but not limited to any caravans, raised planters, climbing frame, planters, decking, and vehicles;
 - v) Remove the building shown in the photograph attached to this notice;
 - vi) Remove the fencing and gates from the land;
 - vii) Remove all material placed on the land to create hardsurfacing;
 - viii) Reseed the Land to grass;
 - ix) Remove all debris and materials resulting from compliance with the above steps.
 - The period for compliance with the requirements is 1 year.
 - The appeal is proceeding on the grounds set out in section 174(2)(b), (f), (g) of the Town and Country Planning Act 1990 (as amended).
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Appeal B Ref: APP/Y3615/W/25/3366788

The Paddock, Compton, Guildford GU3 1AD

- 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 Mr Wenman against the decision of Guildford Borough Council.
 - The application Ref is 24/P/00495.
 - The development proposed is change of use of land to a mixed use of residential and equestrian comprising the siting of a mobile home for Gypsies/Travellers, the erection of an equestrian building containing 3 stables and fencing and creation of hardstanding.
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Decisions

Appeal A

1. It is directed that the enforcement notice is corrected by:

- The deletion of requirements (i), (ii), (iii), and (iv) and their substitution by:

- (i) Cease the mixed use of the Land for residential, through the siting of a mobile home, and equestrian purposes.
 - (ii) Remove all items and paraphernalia on the Land for the purposes of the mixed use, to include but not limited to any caravans, raised planters, decking and vehicles.
- The deletion of the words 'Reseed the Land to grass' from requirement (viii) and the substitution of the words 'Restore the land to its condition before the development took place'.
 - Re-number requirements (v) to (ix) as (iii) to (vii).
2. Subject to the corrections Appeal A is dismissed and the enforcement notice is upheld.

Appeal B

3. Appeal B is dismissed.

Appeal A The Notice

4. The enforcement notice alleges a breach comprising a single mixed use. However, the requirements are that each separate component of the mixed use should cease. Consequently the requirements do not align with the allegation. The appellant is concerned that if the enforcement notice is corrected to require the cessation of the mixed use, then this would prevent him, if the enforcement notice is upheld, from returning the land to its last lawful use. However, making this correction would not prevent use of the land for equestrian use if this was its previous lawful use under section 57(4) of the Planning Act 1990 (the Act).
5. Furthermore, as drafted the appellant could lose the ability to obtain a Lawful Development Certificate for the equestrian use on the basis that such a use would be in contravention of a requirement of an enforcement notice in force (section 191(2)(b) of the Act).
6. No injustice to the parties would arise if the requirements were amended to require the cessation of the mixed use and I shall make the correction. Consequential corrections are necessary to requirements (ii) and (iv) which would also not result in injustice.

Appeal A Ground (b)

7. An appeal on ground (b) is on the basis that the matters stated in the enforcement notice have not occurred. The appellant does not dispute that a material change of use to a mixed use of residential and equestrian has occurred and on that basis the appeal on ground (b) does not succeed.

Appeal A Ground (f)

8. In this case the appeal on ground (f) is on the basis that the steps required by the notice to be taken exceed what is necessary to remedy the breach of planning control. The appellant considers that the enforcement notice plan identifies land which falls beyond the planning unit where the breach has occurred and there should be no requirement to reseed that area.

9. It was agreed at the Hearing that a correction of requirement (viii) to require the restoration of the land identified in the enforcement notice to its condition prior to the development would address the appellant's concerns and would not give rise to injustice for any party. I am satisfied that this correction is necessary and to that extent, the appeal on ground (f) succeeds.

Appeal B

Preliminary Matters

10. The Council agreed a change of the description of the development with the appellant during the course of its determination of the planning application. This was to include reference to fencing and the creation of hardstanding. The banner heading reflects this revision. I have excluded the reference to 'part-retrospective' as this is not an act of development.
11. There is a building on the site in the approximate location of the stables shown on the Proposed Site plan. This building has not been constructed fully in accordance with the details set out on the As Proposed Plans and Elevations plan and it is not currently in use as stables. However, I have determined the appeal on the basis of the submitted plans. There is also another building on the site, which is identified on the Proposed Site Plan, but this does not form part of the appeal scheme.
12. The appellant requested at the Hearing that if a planning permission on a permanent basis cannot be supported firstly a condition limiting occupation to himself and his family be considered or alternatively planning permission on a temporary basis be granted.
13. In relation to the equestrian element of the mixed use, the appellant asked that I consider making a 'split decision' to allow the appeal and grant planning permission for the residential use comprising the siting of the mobile home and to dismiss the appeal and refuse planning permission for the equestrian use. In effect the appellant is seeking to change the development from a mixed use to a single primary residential use, which is significant and was not the proposal before the Council when it made its decision.
14. This matter was introduced at the Hearing. Amended plans have not been submitted to address the inclusion of the stable on the plans which formed part of the application determined by the Council and were submitted with Appeal B. This introduces an element of doubt in terms of whether the two uses which form the mixed use are clearly severable from each other.
15. The Council's case is based on the mixed use of the site which was the subject of the planning application and the appeal as submitted. There has been significant engagement by interested parties, and several local people attended the Hearing and made their representations in person. The interested parties have not had the opportunity to comment on a revised scheme involving the use of the site for the stationing of a caravan for residential use only. These matters raise the question of fairness, and I consider that the Council and the interested parties would be prejudiced were I to proceed to make a split decision as suggested by the appellant.
16. The site is within the Surrey Hills National Landscape (Surrey Hills NL). Therefore, in considering this appeal I have applied the duty in section 85 of the Countryside

and Rights of Way Act 2000 (CROW Act) as amended by section 245 of the Levelling-up and Regeneration Act 2023 (LURA) to seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty. Areas of Outstanding Natural Beauty are now referred to as 'National Landscapes' in the Framework.

17. The site is also within the 5km -7km buffer zone of the Thames Basin Heaths Special Protection Area (TBHSPA).
18. On 16 December 2025 the Government published the revised National Planning Policy Framework Consultation and accompanying Written Ministerial Statement. In this case the consultation does not affect the determining issues in the appeal, and it has not been necessary to seek comments from the parties on these documents.

Main Issues

19. The main issues are:
 - Whether the use of the land for a mixed use of residential and equestrian use is inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies, including:
 - Whether the appeal site is Previously Developed Land (PDL)
 - Whether the appeal site is grey belt land with particular reference to whether the effect of the development on Surrey Hills National Landscape or the Thames Basin Heaths Special Protection Area provide a strong reason for refusing or restricting the development.
 - The effect of the development on the openness and purposes of the Green Belt.
 - The effect of the development on the character and appearance of the site and the surrounding area
 - Whether the development is suitably located having regard to relevant development plan policies concerning sustainable transport for new developments
 - Whether the development provides sufficient grazing and exercise areas for the welfare of two horses
 - Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the development.
20. The mixed use includes the siting of a mobile home for gypsies and travellers. In making my decision I must have regard to the rights of the appellant and his family under Article 8 of the European Convention on Human Rights as incorporated into the Human Rights Act 1998. Article 8 affords the right to respect for private and family life and home, including the ability of Romany Gypsies to enjoy the particular lifestyle which is shared by their ethnic group. However, this is a qualified right which involves balancing the fundamental rights of individuals

against the legitimate interests of others and the wider public interest. The concept of proportionality is crucial because a disproportionate or unjustified interference would result in the violation or breach of the appellant and his family's rights.

21. There are three children under the age of 18 on the site, consequently I must also consider the best interests of the child in this case. The Courts have established that the best interest of the child is a primary consideration, and no other consideration is inherently more important, however, it is not a determinative factor.
22. As required by the public sector equality duty (PSED) under the Equality Act 2010, I will also have due regard to the three aims identified in the Act – to eliminate discrimination, advance equality of opportunity and foster good relations. The appellant and his family are Romany Gypsies which is an ethnic minority, and they have the protected characteristic of race under section 149(7) of the 2010 Act. I am also aware from the evidence that there are persons on the site with the protected characteristic of disability. Therefore, the PSED is engaged, and my decision must be proportionate to achieving legitimate planning aims.

Green Belt – Inappropriate development?

23. There is no dispute between the parties that the site falls within the Metropolitan Green Belt. The National Planning Policy Framework (the Framework) sets out that development in the Green Belt is inappropriate unless it meets one of the exceptions. Policy P2 of the Local Plan states that, in accordance with the Framework, inappropriate development will not be permitted unless very special circumstances can be demonstrated. The submissions by the Council and the appellant regarding the consideration of whether the development amounts to inappropriate development in the Green Belt focus on the residential component of the mixed use.
24. The Framework sets out that the development of homes, commercial and other development should not be regarded as inappropriate where the development would utilise grey belt land, where there is a demonstrable need and where it would be in a sustainable location. 'Other development' would include a mixed use such as that which is before me.
25. Turning to the question of whether the site is grey belt land. This is defined in the Framework and includes Previously Developed Land (PDL) and/or any other land that does not contribute to three of the purposes for including land in the Green Belt. The evidence shows that prior to the caravan being brought onto the site some other development had taken place. As only small parts of the site were involved, the site neither as a whole nor predominately constitutes PDL. However, the site could fall within the definition by virtue of being 'other land'.
26. In respect of both PDL and other land, the definition of grey belt land in the Framework excludes land where the application of policies relating to areas or assets such as National Landscapes or habitats sites would provide a strong reason for refusing or restricting development. Therefore, in this case a finding of harm to the Surrey Hills National Landscape (Surrey Hills NL) or the TBHSPA has the potential to exclude the site from grey belt land. This is the first step in considering whether or not the development would meet the exception set out in the Framework

Surrey Hills National Landscape

27. Policy P1 of the Guildford Local Plan: Strategy and Sites 2015-2034 (the Local Plan) requires that Surrey Hills Area of Outstanding Beauty (now Surrey Hills NL) is conserved and enhanced to maximise its special landscape qualities and scenic beauty. This policy is broadly compatible with the Framework but it pre-dates the enhanced duty under the CROW Act.
28. Under Policy P1 of the Local Plan development proposals are to be assessed against the Surrey Hills AONB Management Plan (the AONB Management Plan). The relevant policies in the AONB Management Plan attach great weight to any adverse impact which a development would have on the amenity, landscape and scenic beauty of the AONB. They also require that development respects the special landscape character of the locality including impact on tranquillity, respects local distinctiveness and takes any opportunities to enhance its setting.
29. The Guildford Landscape Character Assessment (January 2007) puts the site within Landscape Type L: Open Grassland Hills – Landscape Character Area L1 Shackleford Open Greensands Hills (LCA L1). The key characteristics of this landscape type, which are relevant in this case, are that it is predominately pastoral with woodland, heathland and paddocks.
30. The evaluation of LCA L1 identifies amongst its key positive features the pastoral, rural, peaceful character, woodland shelterbelts and hedgerows and hedgerow trees. The area immediately around the site exhibits these key characteristics. There is woodland beyond two sides of the site and paddocks on the opposite side of the access track associated with a horse sanctuary. The Pilgrims Way footpath runs through part of the woodland and there is a bridleway beyond the site boundary. From the access track and the footpaths the peaceful, rural character of the area can be experienced.
31. In terms of the baseline condition of the land before the mixed use commenced the Council regard it as having been laid to grass. The appellant does not dispute this, but he says that it was untidy and unkempt which I address below.
32. In its baseline condition, there was some hardstanding on the site around the entrance, and two features are shown on the aerial photographs provided by the appellant. One of the features appears to move around the site and was referred to by an interested party as a container but there is limited evidence to verify this. The other feature appears from 2022 onwards and is roughly in the same position as a structure shown on the Proposed Site Plan which does not form part of the appeal scheme. I saw this structure on the site visit and the appellant described it as 'the existing equestrian building'. Drawing all of these points together it is reasonable to conclude that the site was predominately open before the mixed use commenced.
33. However, in this case the baseline condition of the site also includes boundary treatment in the form of close boarded fencing along the boundary with the adjacent woodland and a very substantial coniferous tree screen alongside the access track. These features effectively screen most of the site and due to the species of trees this would be the case all year round. On the basis of the evidence there would have been limited views of the site from either the footpath/bridleway or the access track in its baseline condition. Consequently, its

contribution to the landscape character of the immediate and wider site context would have been limited.

34. The appeal scheme introduces a new mixed use onto the site. This leads to changes both physically and in terms of the level of activity associated with both the residential and equestrian uses. In terms of the equestrian element, the introduction of a stable and the use of land for grazing and exercising horses would be consistent with the landscape character of the area and particularly the horse sanctuary. Modest amounts of hardstanding associated with access to the site and the use of the stables would also not appear out of keeping with the wider area.
35. The introduction of the residential element of the mixed use has a more significant impact on the identified key positive features of LCA L1. There are extensive areas of hardstanding and the presence of the mobile home with associated domestic paraphernalia does not reflect the character of the site context. It is also reasonable to assume that the comings and goings associated with the occupation of the caravan by a family would be significantly greater than associated with an equestrian use alone.
36. The site is well screened by the close boarded fence, and although the mobile home is just visible, any users of the bridleway would be unlikely to be disturbed by activities on the site. However, despite the tall conifer trees the access to the site is visible from the access track together with parts of the hardstanding. Thus users of the track including nearby residents would be aware of the increased levels of activity by the appellant and his family and the residential use of the site. Whilst not at a level to be harmful to living conditions, the peaceful and tranquil aspect of the landscape character has been adversely affected by the development in this respect.
37. Given the extensive screening of the site, even taken together, there is very limited harm to the positive features of LCA L1 in respect of either the stationing of the caravan, the fencing and the majority of the hardstanding or the proposed stable building. Nevertheless there would be limited harm in respect of that part of the hardstanding which can be seen from the access track and arising from the residential use of the caravan, with associated comings and goings. Notwithstanding the limited nature of the harm, this translates into a limited adverse impact on the Surrey Hills NL and the development fails to further the purpose of conserving and enhancing the natural beauty of the NL. This is contrary to Policy P1 of the Local Plan and places the mixed use at odds with the Framework and section 85 of the CROW Act as amended by section 245 of the LURA.

Thames Basin Heaths Special Protection Area (TBHSPA)

38. Policy P5 of the Local Plan sets out that permission will only be given for development proposals where it can be demonstrated that doing so would not give rise to adverse effects on the ecological integrity of the TBHSPA, either alone or in combination with other development. This policy is consistent with the Framework and reflects my duty as Competent Authority (CA) under the Conservation of Habitats and Species Regulations 2017.
39. Under the terms of Policy P5 residential development over 50 new dwellings which falls between 5 and 7 kilometres from the SPA may be required to provide

avoidance and mitigation measures. Whilst the appeal development falls within the 5-7 kilometre zone it is under the threshold.

40. The TBHSPA Avoidance Strategy 2017 is a comprehensive document which sets out the importance of the TBHSPA in terms of the habitats which it provides for internationally important bird species. Natural England were consulted on the TBHSPA Avoidance Strategy, and I confirmed at the Hearing that the strategy has been in place for a number of years with the support of Natural England. Consequently as CA I can rely on the buffer zone approach which has been established as confirmation that the development would not have a 'likely significant effect' on the qualifying features of the TBHSPA.
41. The development would not give rise to adverse effects on the ecological integrity of the TBHSPA and is in accordance with Policy P5 of the Local Plan.

Grey belt land conclusion

42. Whilst the development does not have a harmful effect on a habitats site it is harmful to an area of National Landscape. Great weight is required to be given to conserving and enhancing landscape and scenic beauty in National Landscapes which have the highest level of protection. Therefore, this harm provides a strong reason for refusing or restricting development.
43. However the duty to "seek to further" conservation purposes stops short of an absolute prohibition on development and the harm which I have found must be weighed against the benefits of the development. I will address that balance later in my decision. Nevertheless the outcome of my consideration of the impact of the development on the National Landscape results in my conclusion that the site does not meet the definition of grey belt land.
44. In the light of my finding on grey belt, it is unnecessary for me to further consider whether or not the site strongly contributes to the purposes of the Green Belt set out in (a), (b), or (d) of paragraph 143 of the Framework.

Inappropriate development in the Green Belt

45. As I have found that the development would not utilise grey belt land, I do not need to also establish that there is an unmet need for the type of development proposed or that it would be in a sustainable location at this stage because the appeal scheme cannot meet the exception set out in paragraph 155 of the Framework.
46. The appellant has not argued that the development falls within any of the other exceptions set out in the Framework and consequently the appeal scheme amounts to inappropriate development in the Green Belt.

Green Belt openness

47. The Framework identifies that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. In this respect, one of the purposes of the Green Belt is to assist in safeguarding the countryside from encroachment.
48. The appellant accepts that the visual impact of the appeal scheme has a modest impact on openness. While he recognises that the development would lead to

some encroachment, his view is that this would not fundamentally undermine the purposes of the Green Belt.

49. The aerial photographs provided by the appellant and an interested party show the appearance of the site in 2009, 2017/8 and 2020 to 2022 and in 2008 and 2020. The evidential value of the aerial photographs is limited by their number and their lack of detail, but they do demonstrate that over time the site has been open with only very modest structures and no dividing fences. The close boarded fence to the boundary with the woodland appears in the image dated April 2020 with the conifer hedge predating the fence.
50. The appellant says that he brought the caravan onto the site in the Spring of 2024 having bought the site a year earlier. The appeal scheme is thus not shown on the series of aerial photographs. As a result of the development a significant area of hardstanding has been introduced to facilitate the stationing of the caravan and parking and turning space for vehicles. Whilst approximately half of the site remains open the rest is currently given over to the residential use and the building which occupies the location of the proposed stable. This has led to a loss of openness in spatial terms.
51. In terms of a loss of openness in visual terms the appellant is correct that the site is well screened from the access track, the bridleway and the wider area. However, within the site the visual effect on openness, such as the building, the hardstanding, the fencing and the caravan, with associated residential paraphernalia, is apparent.
52. The appellant has referred to the weight to be attached to sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness. He suggests that a condition could be attached to secure a reduction in the height of the conifer hedge. However there is no analysis of the effect of such works on the contribution which the site makes to the openness of the Green Belt.
53. A comparison between the baseline condition of an almost entirely open site, and the development leads me to conclude that there is a harmful effect on openness. It follows that the development fails to safeguard the countryside from encroachment and conflicts with one of the five purposes of the Green Belt.

Character and appearance

54. Policy D1 of the Local Plan requires that new development achieves a high quality design which responds to local character, including landscape character. I have found that the development does not respect the landscape character of the area as described in the Landscape Character Assessment but that the degree of harm is limited primarily because the site is substantially screened.
55. The conifer hedge and close boarded fencing are themselves features which are at odds with the mixed native species planting and post and rail fencing in the wider area. However, they form part of the baseline condition of the land.
56. Policy D4 of the Guildford Borough Local Plan: Development Management Policies (the Local Plan DMP) refers to characteristics of well-designed places including the surrounding context, built form and the prevailing character. In this case the presence of the high conifer hedge and the close boarded fencing would have

resulted in the enclosed site having a limited effect on its context prior to the development taking place. The bringing on of the caravan, the building and the works to facilitate the residential element of the mixed use have changed the appearance of the site but its contribution to the character and appearance of the area remains constrained by the presence of screening.

57. Whilst the effect of the development on the character of the wider area is limited, the site itself has a domestic appearance, and the introduction of hardstanding is at odds with the grassed and wooded areas beyond the site boundaries. On the basis of the evidence in the form of the aerial photographs this is a radical change in the character of the site. Whilst the presence of screening mitigates the adverse visual impact of development on the character and appearance of the wider landscape character there is still a degree of harm in terms of the appearance of the site itself.
58. In conclusion, the development is harmful to the character and appearance of the site and the surrounding area contrary to Policy D1 of the Local Plan and Policy D4 of the Local Plan DMP.

Site location

59. The Council does not have a criteria based policy specific to gypsy and traveller development. I established at the Hearing that Policy H1 of the Local Plan is the relevant policy which the Council uses to assess such development. Policy H1 does not incorporate a requirement for the site to be in a sustainable location. However, Policy ID3 of the Local Plan requires new development to maximise the use of sustainable transport modes.
60. The site is not located in a settlement and in order to access services and facilities the appellant and his family rely almost entirely on their car. The access track which links the site to the wider road network is narrow, has no footpaths and is unlit. Given the distances involved and the nature of the access alternatives such as walking and cycling are not practical for the family. There is no evidence of easily accessible bus services.
61. The appellant and his family use local facilities such as schools and shops which are generally about 5-8 miles away from the site. The site is well located to access a wider range of facilities in Guildford including major supermarkets and a large hospital. These are as accessible as smaller local facilities. Whilst the short distances which the family has to travel to access facilities limit the harm arising from a reliance on the private car, the site is not in a location which provides any reasonable opportunity to maximise the use of sustainable transport modes.
62. The appellant refers to an appeal decision at land adjacent to 11 Watling Crescent, Newton, Rugby (Appeal Refs. APP/E3715/C/24/3354520 and 3354522). In that case the Inspector noted that local facilities were about 3km from the appeal site which is significantly closer than the nearest facilities as described by the appellant in this case. Thus this decision is not directly relevant to the appeal which is before me.
63. The Framework accepts that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Furthermore, in setting out the Government's aims in respect of traveller sites the PPTS does not define the preferred means by which travellers can access education, health and welfare

from suitable accommodation. However, even taking account of the Framework and the PPTS in these respects I find that the site is not suitably located having regard to relevant development plan policies concerning sustainable transport for new developments. The development is therefore contrary to Policy ID3 of the Local Plan.

Welfare of Horses

64. At the Hearing it was established that the appellant keeps two horses in association with the mixed use of the site. The proposed stable building accommodates three horses, but the appellant confirmed that one of the sections would be used to store feed.
65. The Council relies on the Department for Environment, Food and Rural Affairs (DEFRA) Equine Code of Practice for the Welfare of Horses, Ponies, Donkeys and their Hybrids (December 2017) (the Equine Code of Practice) as the basis upon which it objects to the development. Policy E10 of the Local Plan DMP requires that adequate stabling, fencing and land for grazing and exercise is provided in relation to equine development and refers to the government guidance.
66. There is no dispute between the parties that the appeal site does not provide sufficient land for grazing and exercise to meet the Equine Code of Practice for two horses. The appellant owns land adjacent to the site which could be used but even taking this into account there would be insufficient land available.
67. The appellant referred to his horses using land in the wider area for grazing and exercising. He said he rented the land and had done so for a number of years. However, there are no details before me regarding the location and extent of this land or information relating to its continued availability.
68. The appellant described at the Hearing how he provides supplementary feed for his animals which reduces the amount of grazing land which they require. But he has not submitted any details of this including the supplier of the feed, the regularity of deliveries or a calculation of the reduction in the amount of land required if supplementary feed is provided.
69. Drawing these points together, the appeal site is of insufficient size to provide adequate grazing and exercise space for two horses and in the absence of information of alternative arrangements it has not been demonstrated that suitable provision will be made for animal welfare. Therefore the development does not accord with Policy E10 of the Local Plan DMP.

Other Considerations

Intentional Unauthorised Development (IUD)

70. It is Government planning policy, by way of a Planning Policy Statement (PPS) issued by the Secretary of State on 31 August 2015, that intentional unauthorised development (IUD) is a material consideration that should be weighed in the determination of planning applications and appeals. The appellant argues that the PPS attracts no weight on the basis that there have been changes to the government since it was issued and it has not been reviewed or incorporated into the Framework or Planning Practice Guidance. The revised National Planning Policy Framework Consultation indicates the intention of the Government to

withdraw the PPS on the basis that the policy is incorporated into the new Framework, however, the PPS remains extant and falls to be considered.

71. The appellant stated that when he bought the appeal site in the Spring of 2023, he had no intention of bringing a caravan onto it. However, the family's situation changed, and he said that they had no option but to start living on the site. Evidence has been submitted in respect of this including information to demonstrate the particular needs of the children and the effect which their parents living in separate places had on the welfare of the whole family. In the Spring of 2024 the appellant and his family began to live on the site.
72. The appellant was aware that planning permission was required before he commenced the mixed use of the appeal site and he submitted a planning application around the same time on 28 March 2024.
73. There is limited evidence regarding why the appellant did not make his planning application earlier. However, given the needs of his family, the sense of urgency is understandable. As a result although the bringing on of the caravan and the change of use of the land constitutes intentional unauthorised development, this attracts limited weight against the appeal.

Untidy or derelict land

74. Paragraph 27 of the PPTS establishes that weight should be attached to the effective use of PDL, untidy or derelict land. I have established that the appeal site is not PDL, but the appellant also argues that he has tidied it up since he acquired it. There are also some photographs from interested parties which show piles of debris, which they say included asbestos. However they are undated, and it is not clear to which part of the site they relate. The appellant referred to these photographs at the Hearing but did not provide any commentary to address the limitations of the photographs.
75. The aerial photographs provided by the appellant show the site being cleared of vegetation and subsequently being reseeded. However, all of the photographs pre-date when the appellant says he carried out the works to tidy the site up and none are sufficiently detailed to show the extent or nature of any material tipped on the site.
76. In the absence of any substantive evidence to demonstrate that the appeal scheme has made effective use of untidy or derelict land, this matter attracts neutral weight.

Need and Supply of Gypsy and Traveller Sites

77. There is no dispute between the parties that there is currently an unmet need for gypsy and traveller sites in the Borough. The current Gypsy and Traveller Accommodation Assessment (GTAA) is dated June 2017, and the Council has only recently commissioned a new GTAA. The unmet need therefore attracts significant weight in favour of the appeal.
78. The Council also accepts that it cannot demonstrate a 5 year supply of gypsy and traveller sites. The Council referred to delays in strategic sites coming forward and confirmed that its current level of supply equates to 2.45 years. The general lack of supply of pitches attracts significant weight in favour of the appeal.

Alternative sites

79. The Council refers to three public Gypsy and Traveller sites within Guildford but accepts that there are currently no vacant pitches on those sites. The appellant says that he has joined the waiting list for a pitch but there is no evidence of this, and the Council were not aware of the appellant's request. Nevertheless, it is agreed between the parties that there is currently no availability of sites in the short term.
80. Notwithstanding the lack of available public pitches, the particular needs of this family are such that it is the view of the appellant that a pitch on a public site would not be suitable for them. The appellant advised me that due to his son's disability the family has received significant support from health care providers and that other gypsy families would be suspicious of the involvement of agencies outside the travelling community. This and a general lack of understanding would be likely to make it difficult for the family to be successfully integrated into a public site.
81. For similar reasons the appellant and his family are not in a position to double up or move onto an extension to an existing private site even if one were available.
82. In response to my questions regarding the alternative to staying on the site, the appellant and his partner said that they could not think about that and it was clearly stressful for them to do so. They make the case that the common last option of a roadside existence would be out of the question for the family given the complex needs of the children which I will return to shortly.
83. The appellant also refers to the extent of the Green Belt in the Borough which results in sites outside Green Belt being hard to find and financially challenging. However, there is limited substantive evidence before me regarding any search for alternative sites either inside or outside the Green Belt.
84. Drawing all of these points together the lack of any viable alternative site weighs moderately in favour of the appeal.

Personal Circumstances

85. Comprehensive information has been provided as part of the appeal submissions in relation to the needs of the occupiers of the site. This information was not before the Council when it made its decision, but it accepts in the Statement of Common Ground that the appeal site would provide a settled base for the children which would be in their best interest.
86. The site would provide a settled base from which the family can access health facilities and community facilities such as places of worship. One of the children has a disability and they have benefited from a period of stability on the site which has enabled them to access specialist educational support. The nature of the disability is such that having space on the site to relax in a quiet and familiar environment has been beneficial to them. The multi-faceted educational and healthcare support has also aided their interaction with their peers and reduced the pressure on their parents in terms of caregiving.
87. The child with the disability also finds use of public transport difficult given their reliance on certainty and familiarity. They are collected from the site by the school mini bus with their peers but using public transport with their family is less feasible.

88. All of the children have healthcare needs which can be accessed locally, some of which are on-going and in the early stages of diagnosis. Allowing the appeal would enable the appellant and his family to access education, health facilities and other community support in the same way as the settled population advancing equality of opportunity.
89. The appellant and his partner say that they do not have the same level of support from family members and other members of the gypsy and traveller community as others in that community. In that sense they are even more reliant on the assistance of health and education professionals and being able to access these services from a settled base.
90. The appellant's partner referred to positive interactions with local residents and between her children and other children when using community facilities. The comments from interested parties do not demonstrate a fully positive integration into the local community. However, allowing the appeal and enabling the family to remain on the site has the potential to provide opportunities for integration and to foster good relations between gypsies and travellers and the settled community.
91. There is strong evidence to show that continued occupation of the appeal site would be beneficial to the wellbeing of the whole family and in the best interest of all three children. Taking account of all of these factors, the personal circumstances of the appellant and his family weigh significantly in favour of the development.

The Green Belt Balance

92. The mixed use development is inappropriate development in the Green Belt, has a harmful effect on openness and fails to safeguard the countryside from encroachment. Furthermore the development results in harm to the Surrey Hills NL and fails to further the purpose of conserving and enhancing the natural beauty of the NL. It has also not been demonstrated that suitable provision will be made for the proper care of animals. These are matters in the public interest and I attribute substantial weight to them.
93. I have also concluded that the development has a harmful effect on the character and appearance of the area and that the site is not in a suitable location to access sustainable transport modes. However, given the level of harm these matters attract limited weight.
94. In favour of the appeal I attach significant weight, separately, to the fact that there is an unmet need for gypsy and traveller sites in the Borough and that the current level of supply of sites is 2.45 years. The lack of any viable alternative attracts moderate weight in favour of the appeal.
95. I also attach significant weight to the personal circumstances of the appellant and his family and to the best interests of the children.
96. The Framework makes it clear that the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the development must be clearly outweighed by other considerations for planning permission to be granted. In this case, there are several matters which weigh in favour of the appellant. However the cumulative weight of these other considerations does not clearly outweigh the harm to the Green Belt and the Surrey Hills NL, the adverse effect on

the character and appearance of the area, the harm arising from the lack of access to sustainable transport modes and impact on the welfare of horses.

97. The appellant refers to an appeal decision at Land south of Sandhill, Hermitage, Thatcham, Berkshire (Appeal Ref. APP/W0340/W/24/3356688) (the Sandhill appeal). The appeal was allowed and planning permission was granted. The Inspector in that case made a finding of limited adverse impact on a NL and concluded that the appeal development in that case failed to conserve or enhance the NL. I have reached a similar view in this case. However, the Sandhill appeal related to land which did not fall within the Green Belt. Consequently, the planning balance which was before that Inspector is fundamentally different to the Green Belt balance which is before me and the Sandhill appeal is not directly comparable to this appeal.
98. Looking at the case as a whole, my initial conclusion is that the very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist in this case. Accordingly, the development is contrary to Policy P2 of the Local Plan.

Human Rights including the Best Interests of the Child and the Public Sector Equality Duty (PSED)

99. There is at least a possibility that dismissing the appeal would result in the appellant and his family becoming homeless, given that I have concluded that there is no suitable alternative site for them to move to at the present time. This would amount to a significant interference with their rights under Article 8 of the European Convention on Human Rights as incorporated into the Human Rights Act 1998 (Article 8). However, the right for respect for private and family life is a qualified right and the rights of the individual must be balanced against the needs of the community.
100. I have considered all of the matters raised by the appellant including the lack of availability of alternative accommodation and the personal circumstances of his family. The only alternative for the family appears to be a roadside existence. In the forefront of my mind is the evidence which is before me that in this particular case a roadside site would have a significantly damaging impact on the wellbeing of the family and the oldest child in particular. This outcome would clearly not be in the best interests of any of the children.
101. Turning to the PSED, enabling the family to remain on the site, with the benefit of planning permission to establish a lawful use of the land has the potential to foster and continue good relations between the family and other people in the local community and to eliminate discrimination.
102. Interference with the rights of the appellant and his family would not be a proportionate response given the low level of harm to the character and appearance of the area and the limitations of the location of the site in relation to access to sustainable transport modes. Such interference would also not be a proportionate response in terms of my finding on IUD.
103. However, I find that the individual rights of the appellant and his family do not outweigh the wider public interest as it relates to the Green Belt, National Landscape and animal welfare. On that basis a decision to dismiss the appeal and refuse planning permission would be proportionate.

Planning permission on a personal or temporary basis

104. The personal circumstances of the appellant and his family and the best interests of the children are important matters in the Green Belt balance. Therefore, were planning permission to be granted it would need to be a personal permission.
105. This would have the effect of limiting the duration of the planning permission and the harm which I have identified would be moderated in comparison with that which would result from a permanent planning permission.
106. However, given the age of the appellant and his family a personal permission could result in the development remaining in situ for a considerable amount of time being the lifetime of the appellant, his partner and their dependants. The Green Belt harms, the harm to the Surrey Hills NL and the character and appearance of the area, the lack of access to sustainable transport modes and the effect on the horses would endure for the whole period of the appellant's occupation.
107. Even considering the moderating effect of a personal permission on the harm which I have identified I still find that those harms would not be outweighed by other considerations.
108. It is also open to me to grant planning permission on a temporary basis which could further limit the impacts of the development in comparison with either a permanent or personal permission. However, Planning Practice Guidance sets out circumstances where temporary planning permission may be appropriate. The relevant consideration in this case is whether it is expected that the planning circumstances will change in a particular way at the end of that period.
109. Both the appellant and, without prejudice to its position, the Council, referred to a five year temporary permission at the Hearing. This would allow time for the GTAA to be published and additional work to be undertaken in bringing forward allocated sites. However, even if I accept that these actions may result in an alternative site becoming available to the appellant and his family, whilst the harms which I have identified would be moderated by the fact that the development would be of limited duration, they would be apparent for the duration of the temporary permission. Furthermore, the benefits to the appellant and his family in terms of access to support for the children would also be time limited and attract reduced weight. The other matters in the balance would remain unchanged and, on that basis, the Green Belt and other harm would not be clearly outweighed by other considerations in this scenario nor in relation to a shorter period than 5 years.
110. I conclude that granting permission on a personal and/or temporary basis does not change the Green Belt balance such that planning permission should be granted on either or both of these bases. Furthermore, the weight which I have attributed to the wider public interest would not be outweighed by the individual rights of the appellant and his family in these scenarios either.

Alternative options

111. The possibility of a roadside existence is not one that the appellant wants to contemplate, and this is understandable given the particular needs of his family. However, his arguments and the evidence point to other alternatives which may be available to him. For example as I have highlighted in my consideration of

alternative sites there is limited substantive evidence of the appellant looking for a different site for the mixed use before bringing the caravan on to this site.

112. It was convenient for the appellant to use land already in his ownership but another site beyond the Green Belt and the National Landscape could have met his needs without having a harmful effect on the wider public interest. I acknowledge that such a site may have been difficult to find in Guildford Borough given the extent of the Green Belt, but I am unable to rule out such a possibility on the basis of the evidence.
113. Similarly while a private single pitch may be the best solution to meet the complex needs of the disabled child, there is limited evidence to suggest that another option such as a self-contained pitch on a larger site would not be acceptable.
114. It is also evident from the appellant's request that I issue a split decision that he has not yet pursued all the possible options for remaining on the site. It may be the case that the Council is able to support an application for a gypsy and traveller pitch only on the site. I cannot anticipate the outcome of such an application, but it opens up an alternative to the appellant. It also demonstrates that having an equestrian use on the site and a residential pitch elsewhere has not been fully explored.
115. While these other options are available to the appellant, I am unable to conclude that the harm to the wider public interest is outweighed by the individual rights of the appellant and his family. In that context dismissing Appeal B would be proportionate.

Conclusion Appeal B

116. The development conflicts with the development plan and the material considerations do not indicate that Appeal B should be decided other than in accordance with it. Appeal B is therefore dismissed. There will be no violation of the appellant's or his family's human rights. The protection of the public interest cannot be achieved by means that are less interfering with their rights under Article 8.

Appeal A Ground (g)

117. An appeal on ground (g) is on the basis that the compliance period specified in the notice falls short of what should reasonably be allowed.
118. The appellant relies heavily on the personal circumstances of his family to support his view that the compliance period should be extended. I have found, in respect of Appeal B, that the personal circumstances of the appellant and his family, along with the other matters in favour of the appeal, do not outweigh the harmful effects of the mixed use on the wider public interest. I have also considered whether it would be appropriate to grant temporary planning permission and concluded that it would not.
119. The appellant accepts that a compliance period of 12 months is generally considered reasonable and proportionate, but he argues in this case that the compliance period should be extended to 18/24 months. Save for reference to the personal circumstances of the appellant and his family, there is no explanation of what could be achieved within a longer compliance period compared with the current 1 year period.

120. I appreciate that it is difficult for the appellant to contemplate having to leave the site. However, in the absence of substantive information to establish that it would take longer than 12 months to explore alternatives an extension of the compliance period is not justified in this case. On that basis I do not find that the compliance period of 1 year falls short of what should be allowed and the appeal on ground (g) does not succeed.

Conclusion Appeal A

121. For the reasons set out above, I conclude that Appeal A should not succeed. I shall uphold the enforcement notice with corrections.

Sarah Dyer

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Alan Masters	Counsel
Mr Brian Woods	Agent
Mr Felix Smithson	Agent
Mr J Wenman	Appellant
Mrs L Wenman	Appellant's partner

FOR THE LOCAL PLANNING AUTHORITY:

Ms Morgan Laird	Guildford Borough Council
Mr Justin Williams	Guildford Borough Council

INTERESTED PARTIES:

Mr John Hewitson	Pilgrims Way Residents Association
Mr James Henry	Wanborough Parish Council (Chair)
Ms Jane Turner	Former resident
Mr Malcolm Ward	Resident
Mr Ramsey	Resident

DOCUMENTS SUBMITTED TO THE HEARING

BY THE APPELLANT:

Updated Site Location Plan to include drawing number reference (J004848-JW-01)

BY THE COUNCIL:

Department of the Environment, Food and Rural Affairs – Code of practice for the welfare of horses, ponies, donkeys and their hybrids (December 2017)