



Appeal Decisions

Site visit made on 12 January 2026

by Chris Preston BA (Hons), BPI, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th January 2026

Appeal A Ref: APP/M3645/C/25/3371930

Appeal B Ref: APP/M3645/C/25/3371931

Land at Grid Reference 531060 153069, Warwick Wold Road, Merstham, Redhill, Surrey, RH1 3DQ

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - Appeal A is made by Mrs Maria Casey and Appeal B by Mr John Casey against an enforcement notice issued by Tandridge District Council.
 - The notice was issued on 28 July 2025.
 - The breach of planning control as alleged in the notice is: Without planning permission, the material change of use of land to a Gypsy & Traveller residential caravan site including the siting of mobile homes and touring caravans, the formation of hardstanding and the siting of buildings and portable toilets..
 - The requirements of the notice are to:
 - Cease using the Land as a Gypsy and Traveller residential caravan site;
 - Permanently remove all mobile homes, touring caravans, campervans, trailers and vehicles from the Land;
 - Permanently remove all associated structures, buildings, portable toilets and paraphernalia from the Land;
 - Break up the area of hardstanding, as shown highlighted in blue on the attached Plan B and permanently remove all resultant waste and material from the Land.
 - The period for compliance with the requirements is within 9 months of the date the notice takes effect.
 - The appeals are proceeding on the ground set out in section 174(2) (g) of the Town and Country Planning Act 1990 (as amended).
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Decisions

1. The appeals are dismissed and the enforcement notice is upheld.

Preliminary Matters

2. Two appeals are before me, as set out in the banner heading above. The grounds of appeal are identical so I have dealt with both in the same decision letter. Initially, the appeals were made on grounds (d), (f) and (g). The ground (d) and (f) appeals related to the formation of hardstanding and not the material change of use.
3. However, notwithstanding that there may have been some hardstanding on the site historically, the appellants now acknowledge that the present hardstanding was a new operation that does not benefit from immunity due to the passage of time¹. Consequently, they have withdrawn the ground (d) and (f) appeals and both will now proceed on ground (g) alone.

¹ Email from Peter Brownjohn of WS Planning & Architecture, dated 14 October 2025

The Appeals on Ground (g)

4. As set out above, the enforcement notice states that the requirements must be carried out within 9 months from the date the notice takes effect. In appeal situations, that will be nine months from the date of my decisions.
5. The appellants' had suggested that the period was unreasonably short on the basis that no alternative sites were available onto which those residing at the site could move. Consequently, a period of 18 months was requested on grounds of the welfare of the appellants and their family.
6. The enforcement notice was served July 2025. By the time of my accompanied site visit in January 2026 circumstances would appear to have moved on because two of the three static units had been removed from the site. One can clearly see where the units were situated and where they have been disconnected from the water supply.
7. A third static was still present but was not connected to any water supply and did not appear to be occupied, given the absence of any cooking equipment, utensils etc and the lack of any signs of day to day occupation. There was no step into the caravan, such that the entrance door was raised substantially above ground level which would make it impractical to access. Even if it is used on occasion it seems unlikely that it would form the main residence of anyone given the lack of obvious signs of occupation.
8. No update has been provided by either party to indicate where the occupants have moved to but it seems that the site is no longer their primary residence and steps have been taken to begin to comply with the notice. The third caravan would need to be moved and the physical works carried out but the period of nine months is more than reasonable for those elements to be completed.
9. Given that there are no other grounds of appeal, the appellants have seemingly accepted the requirements of the notice and made steps to comply with its terms. Overall, given the delay between the notice being served and the appeal site visit being arranged, the nine month period, when added to the time that has already elapsed would broadly equate to the 18 months period requested by the appellants.
10. Given the consequences of the enforcement notice for the home and family life of the occupants it is a circumstance where Article 8 Convention Rights² are engaged and the best interests of the children would be of primary importance. In dealing with such matters under ground (g) the doctrine of proportionality is key. That effectively requires a balance between the public benefit of removing unauthorised development and the private interests of those concerned. Given that the appellants have begun to comply with the notice and that the overall period for compliance will be broadly that requested by the appellant at the time the appeal was made, I am satisfied that the nine-month period represents a proportionate period within which to complete the requirements.
11. Consequently, the appeals on ground (g) must fail and I shall dismiss the appeals and uphold the enforcement notice, as originally served.

² Article 8 of the European Convention on Human Rights, enshrined into UK law by the Human Rights Act 1998

Chris Preston

INSPECTOR