
Appeal Decision

Site visit made on 27 January 2026

by **J Bowyer BSc(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 February 2026

Appeal Ref: APP/M3645/W/25/3373661

Land at Beech Farm Road, Warlingham CR6 9QJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr P Delaney against Tandridge District Council.
 - The application Ref is TA/2025/525.
 - The development proposed was originally described as 'siting of an additional 5 Gypsy/Traveller Pitch site, comprising the siting of 1 mobile home, 1 touring caravan, and the erection of 1 dayroom per pitch, alongside formation of new access'.
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Decision

1. The appeal is allowed and planning permission is granted for 'extension of existing traveller site and associated change of use of land to form 5no. additional pitches, each comprising the siting of 1no. mobile home and 1no. touring caravan and the erection of 1no. dayroom, alongside formation of new site access and amendments to existing pitches to facilitate revised layout' at Land at Beech Farm Road, Warlingham CR6 9QJ in accordance with the terms of the application, Ref TA/2025/525, subject to the conditions in the attached schedule.

Preliminary Matters

2. The description of development in the banner heading above is taken from the application form. However, the Statement of Common Ground ('SoCG') agreed between the main parties records the description as 'extension of existing traveller site and associated change of use of land to form 5no. additional pitches, each comprising the siting of 1no. mobile home and 1no. touring caravan and the erection of 1no. dayroom, alongside formation of new site access and amendments to existing pitches to facilitate revised layout'. This reflects the description used by the Council in validating the application and that entered on the appeal form by the appellant. I consider it to more fully and accurately describe the proposal shown on the submitted plans and because it has been used by both main parties, I am satisfied that no injustice would be caused by my basing my assessment on this amended description, and I have used it in my formal decision.
3. With regard to the reference in the description to 'extension of existing traveller site', the Council has previously granted planning permission on the appeal site for development described as 'proposed change of use of land for the creation of a 3 Pitch Residential Gypsy/Traveller site, comprising the siting of 1 mobile home, 1 touring caravan, and the erection of 1 dayroom per pitch'¹ ('the Original Permission'). The Original Permission was granted subject to a number of

¹ Application ref TA/2022/537

conditions, including in relation to the stationing of additional mobile homes without prior consent; the implementation of hard and soft landscaping works and the positioning of gates.

4. The Parish Council's representations refer to non-compliance with these conditions. However, the Original Permission was granted retrospectively as the use had already commenced, and was therefore effectively implemented. Furthermore, the attached conditions do not include any sanctions for non-compliance that would negate the benefit of the permission. On that basis, I have no reason to disagree with the appellant that the Original Permission remains extant. Other mechanisms would however be available to the main parties to confirm, regularise or enforce against any breach of planning control, and would not be affected by my determination of the current appeal.
5. The application form for the appeal application indicates that the development applied for was started in April 2025 and I observed a second site access which ostensibly reflects the submitted plans at my visit. The arrangement of hardstanding and caravans, including 8 statics/mobile homes, that I observed within the site do not reflect the layout shown on either the 'existing' or 'proposed' plans submitted as part of the proposal. Nevertheless, the appellant has confirmed that permission is sought for development on the basis of the scheme as it is shown on the proposed plans. I have determined the appeal accordingly, basing my assessment on the layout shown on the submitted plans, not what I saw on site.
6. During the course of the appeal, the appellant provided a revised version of the 'Proposed Access Arrangements – Visibility Splays' plan² ('the Revised Plan'). This has been amended to better reflect the detail of existing site conditions based on a topographical survey, but does not alter the development proposed from that which was before the Council and interested parties at application stage. The Council has considered the Revised Plan as part of the appeal, and I am satisfied given the nature of the amendments that it would not result in a substantial difference or fundamental change to the application and that my consideration of it would not cause procedural unfairness to any party. I have therefore taken the Revised Plan into account in determining the appeal.
7. Having considered the Revised Plan, the Council has not contested the appeal or argued that permission should be refused. Indeed, the SoCG confirms that 'provided any third party comments do not raise contentious issues, the parties agree that planning permission should be granted' subject to conditions.

Main Issues

8. Having regard to the evidence before me including representations by interested parties, I consider the main issues to be:
 - i) whether or not the proposal would be inappropriate development in the Green Belt;
 - ii) the effect of the proposal on the character and appearance of the area; and
 - iii) whether or not the site would otherwise be suitable for the proposal having particular regard to the requirements of Policy CSP 9 of the Tandridge District Core Strategy 2008 ('the CS') and Planning Policy for Traveller Sites ('the PPTS').

² Plan no. 2207002-02 Rev A dated 13 November 2025

Reasons

Green Belt

9. The appeal site is located within the Green Belt where the PPTS provides that traveller sites are inappropriate unless exceptions set out in the National Planning Policy Framework ('the Framework') apply. In this case, it is common ground between the main parties that the site would comprise previously developed land and that the exception at paragraph 154. g) of the Framework would apply. This exception relates to 'limited infilling or the partial or complete redevelopment of previously developed land (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'.
10. From the information before me and noting my findings above in respect of the implementation of the Original Permission, I have no firm reason to disagree with the main parties that the proposal would comprise limited infilling or the partial or complete redevelopment of previously developed land.
11. In considering whether the proposal would cause substantial harm to the openness of the Green Belt, I note that the site may historically have been a paddock, but the use and development permitted under the Original Permission has already altered the nature of the site and its openness. The presence of the additional pitches including hardstanding, caravans and dayrooms and the access which are now proposed would inevitably result in some further loss of openness on the site. However, these elements would not be out of keeping with the existing residential use of the site. They would also be of limited height, and modest overall scale such that I consider the resulting loss of openness would be comparatively modest in spatial terms.
12. Furthermore, the Parish Council asserts that close board fencing around the site does not have planning permission. Neither is fencing indicated as forming part of the appeal proposal development. Even so, I observed tree and vegetation cover around much of the length of the boundaries which provided significant screening, even when not in full leaf. This is not complete, and I accept that there would be partial views of development on the site which would be increased in the absence of the fencing. That said, views would be relatively localised. The prominence of the development would also be limited given its modest height, and that it would be generally appreciated against and within the context of the existing development on the site. The visual impact of the proposal on openness would also therefore be comparatively modest.
13. Taking these factors together, I find that the proposal would cause some harm to Green Belt openness, but that the overall degree of harm would be moderate at worst and certainly not substantial. On that basis, the proposal would meet the terms of the exception at paragraph 154. g) of the Framework.
14. I therefore conclude that the proposal would comprise an exception to inappropriate development in the Green Belt. Consequently, it would not conflict with Policy DP10 of the Tandridge Local Plan Part 2: Detailed Policies 2014 ('the LPP2') which sets out that permission for inappropriate development which is, by definition, harmful to the Green Belt will normally be refused.

15. As an exception to inappropriate development, the proposal should further not be regarded as harmful to the openness or purposes of Green Belt, and there is no requirement for very special circumstances to be demonstrated in order to justify the development in the Green Belt.

Character and Appearance

16. The appeal site is located between Beech Farm Road and the B269 Limpsfield Road and is within countryside which is part of a designated Area of Great Landscape Value ('AGLV'). There is also a current proposal to review the boundary of the Surrey Hills National Landscape ('the NL'), including an extension up to Beech Farm Road and the B269 Limpsfield Road. Should this be confirmed, the site would be outside of but immediately adjacent to the NL.
17. Existing development near to the site is typically scattered and set within open fields with tree and hedgerow boundaries and parcels of woodland. As a result, there is a distinctly rural quality to this part of the AGLV, including the area which is proposed to be incorporated within the NL which would, if confirmed, form part of the diverse landscape that contributes to the natural beauty of that area.
18. Under the Original Permission, hardstanding and caravans would be positioned broadly centrally within the site, with paddocks to either side. The appeal proposal would increase the spread of hardstanding and caravans across the site. However, open paddocks, albeit reduced in size, would be retained to either side of the built form and the submitted plans indicate provision of soft landscaping which would break up the expanse of hardstanding and provide for additional spacing between some pitches.
19. Development would be of modest height, and the scale of built form and caravans would further be limited relative to the pitches so that there would remain a significant degree of openness on the site. I have also noted above that existing tree and vegetation cover around much of the site provides significant screening, even when not in full leaf, and that while this would not be complete, views would be localised and development would be appreciated against the context of the existing development on the site. Based on the submitted details including the Revised Plan, trees around the site could be retained so that existing screening would not be diminished by the proposal. In addition, the appellant also refers to additional planting which could be secured by a planning condition and which would be likely to further reduce and soften potential views of the development.
20. Moreover, the development would remain contained between Limpsfield Road and Beech Farm Road and would not result in development spreading further north beyond the existing hedgerow boundary which separates the site and the adjacent field to the north. This would considerably limit any impression of encroachment into the countryside.
21. I acknowledge that the site may historically have had a more clearly rural quality. Taking the above factors together and against the context of the development permitted by the Original Permission however, I find that the effects of the appeal development would be very limited and would not cause meaningful further erosion of the rural character and appearance of the area. In my judgement, the quality and landscape character of the AGLV would be conserved. Furthermore, the effect on the setting of an extended NL would be neutral and I am satisfied that the natural beauty of the NL would therefore be at least conserved.

22. Accordingly, I conclude that the proposal would not cause unacceptable harm to the character or appearance of the area and I find no conflict with Policies CSP 18, CSP 20 or CSP 21 of the CS or Policy DP7 of the LPP2. Amongst other things, these policies seek to ensure that development reflects and respects character and local context, conserves and enhances landscape character, including that of the Area of Great Landscape Value and the setting of the NL.
23. Nor would there be conflict with Policy CSP 9 of the CS insofar as it seeks to ensure that Gypsy and Traveller caravan sites would not significantly harm the visual amenities and character of the area, or the Framework insofar as it indicates that development within the setting of National Landscapes should be sensitively located and designed to avoid or minimise adverse impacts.

Suitability of Site

24. Policy CSP 9 of the CS specifies criteria at a) to f) to be used in assessing the suitability of Gypsy and Traveller sites being considered for allocation and which proposals for sites to meet unexpected and proven need should satisfy.
25. The Council has not disputed that the appellant would meet the definition of Gypsies and Travellers in the current version of the PPTS, and I have no firm reason to find differently.
26. In addition, the SoCG confirms that background evidence to a Pitch Delivery Assessment which is part of the Council's Gypsy and Traveller Accommodation Assessment January 2025 identifies the appeal site as having a need for 5 additional pitches over the next 5 years. This differs from a suggestion in an email sent by the Council at application stage that the identified need was for 2 pitches over the next 5 years, but I afford it greater weight as a more recent position which has been formally agreed by the Council in the SoCG. On that basis, the proposal for 5 pitches here would respond to a proven need.
27. Turning to the criteria in Policy CSP 9, a) sets out that unallocated sites within the Green Belt will only be acceptable where it can be demonstrated that very special circumstances exist. However, the policy pre-dates the provisions in the current Framework and PPTS relevant to traveller sites in the Green Belt. With regard to these provisions, I have found above that the proposal would be an exception to inappropriate development in the Green Belt and there is accordingly no requirement under the Framework to demonstrate very special circumstances. Against that context, I find that the location of the site within Green Belt should not weigh against the proposal.
28. I have also found above that the development would not significantly harm the visual amenities and character of the area which is criterion b) of Policy CSP 9.
29. At c), there is a requirement that the number of pitches is appropriate to the site size and the availability of infrastructure and services. The submitted layout illustrates pitches of reasonable size with additional provision for landscaping such that I am satisfied the total number of pitches would be appropriate to the site. There is also no firm evidence to suggest that the pitches would be unable to access adequate infrastructure or services, whether on site or otherwise. The proposal would therefore comply with Policy CSP 9 c).

30. The criterion at d) requires that the site can be provided with safe access to the highway and that it includes adequate on-site parking and turning facilities. The Parish Council has questioned the need for the second highway access which is part of the proposal. Nevertheless, the Council is satisfied that suitable standards of visibility as sought by the Highway Authority can be provided at the proposed new site access without a requirement to remove trees and I have no firm reason to find differently. Notwithstanding the existing position of gates to the access, a suitable set back to allow vehicles to draw clear of the highway could be required by a planning condition. Swept path analysis plans submitted as part of the application further demonstrate adequate turning within the indicated layout, and I am satisfied that the pitches would be of sufficient size to accommodate adequate parking too. The proposal would therefore comply with Policy CSP 9 d).
31. The requirement at e) of Policy CSP 9 is not relevant given that the proposal does not indicate ancillary space for business activities.
32. The final provision at part f) of Policy CSP 9 indicates that preference will be given to sites that are accessible by non-car modes of transport. The appeal site is located outside of any defined settlement, and while the Council's assessment of the Original Permission scheme had suggested that there would be access to public transport along Limpsfield Road, bus stops are some distance away which would reduce the likelihood of occupiers walking to access such services. That said, the site is reasonably close to Warlingham and journeys to reach a range of services here by vehicle would be short such that occupiers would have reasonable access. Furthermore, the criterion at f) is expressed as a preference only rather than a requirement. I do not therefore find the accessibility of the site by non-car modes would be unacceptable.
33. Given the above, I am satisfied that the site would be suitable for the proposal having regard to the requirements of Policy CSP 9 of the CS.
34. I have also noted requirements of Policy H of PPTS, and particularly those at paragraphs 25 and 26 which have been highlighted by the Parish Council.
35. Paragraph 26 of the PPTS indicates that new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan should be strictly limited. Further that sites in rural areas should respect the scale of and not dominate the nearest settled community.
36. Although the site is within countryside, there is existing development on the site and at Beech Farm opposite. Along with the containment of the site by roads, this means that there is not a strong impression that the site itself comprises open countryside. Furthermore, having found above that there would not be unacceptable harm to the character and appearance of the area and noting the proximity to Warlingham and that occupiers would have reasonable access to services available there, I consider the location of the site in countryside would not be unacceptable in this case.
37. The Parish Council indicates that there are currently 15 authorised Gypsy and Traveller pitches along Beech Farm Road, which the proposal would increase to 20. Together with unauthorised pitches, the Parish Council suggests that there would be over 50 pitches along the road. However, and notwithstanding powers that would be available to the Council to enforce against unauthorised development, the appeal site is located some distance from pitches on other sites. Despite being

along the same road, the resulting separation means that the appeal site is not therefore appreciated alongside or together with the other pitches and I am satisfied that the proposal would not result in an unacceptable failure to respect the scale of or domination of the nearest settled community, either alone or cumulatively with other development.

38. I therefore find no unacceptable conflict with PPTS Policy H paragraph 26.
39. Paragraph 25 of the PPTS lists issues to be considered in determining planning applications for traveller sites. While there is no specific evidence before me in respect of the availability of alternative accommodation for the appellant or personal circumstances which are listed at b) and c) of this paragraph, part a) refers to the existing level of provision and need for sites. Having found above that the proposal would address a need identified in the Council's own evidence, further justification for the proposal in respect of the appellant's specific needs would not therefore be necessary. In accordance with part d), I have assessed the proposal against the locally specific criteria in Policy CSP 9, and there is no compelling evidence before me that the proposal would otherwise fail to meet criteria in the Council's Interim Planning Policy Statement for Gypsies, Travellers and Travelling Showpeople 2025.
40. I have also found that the appellant would meet the definition of Gypsies and Travellers in the PPTS, notwithstanding any local connections which are referenced in part e). Accordingly, I find that requirements of PPTS Policy H paragraph 25 would not be offended.
41. For the reasons above and on the basis of the evidence that is before me, I conclude having particular regard to Policy CSP 9 of the CS and the PPTS that the site would be suitable for the proposal.

Other Matters

42. Flood lighting and close boarded fencing which may currently be present on the site are not part of the development shown on the plans that is before me to consider in this appeal.
43. The Parish Council raise concerns about precedent and refer to an application made on land adjacent to the appeal site for 'change of use of land to a private gypsy and traveller caravan site for 4 pitches, including parking. Relocation of vehicular access to improve highway safety.' However, each application and appeal must be determined on its individual merits, and while the sites are located close together, there appear to me to be differences in their circumstances including in respect of the presence of existing development on the appeal site and its containment within a relatively discrete parcel. I do not therefore find concern about precedent would justify withholding permission in this case.

Conditions

44. I have considered suggested conditions in light of the tests set out in the Framework. Where necessary, I have made minor amendments for clarity, brevity, to avoid duplication or to ensure compliance with the relevant tests.
45. A plans condition (1) is necessary for the avoidance of doubt and in the interest of certainty.

46. A site development scheme to provide for the set back of gates, electric vehicle charging, hard landscaping, soft landscaping and biodiversity net gain (2) is necessary in the interests of highway safety and the character and appearance of the area and to ensure arrangements for vehicle charging and a net gain for biodiversity in accordance with requirements of the development plan. However, I have omitted details of the current minimum requirements for electric vehicle charging as this would be a matter for the Council to assess in light of relevant guidance and circumstances at the time that details are submitted. I have also specified that the details of hard landscaping should include the surface treatment to the new access and parking which the parties had suggested as part of separate conditions in the interests of precision and to minimise duplication.
47. The condition includes a strict timetable for compliance because permission is being granted retrospectively and so it is not possible to use a negatively worded condition to secure the approval and implementation of the details before the development commences. The condition will ensure that the development can be enforced against if the details are not submitted for approval within the period given by the condition, or if the details are not approved by the Local Planning Authority or the Secretary of State on appeal, or if the details are approved but not implemented in accordance with an approved timetable.
48. Conditions to require provision of visibility splays to the access (3) and provision for turning within the site (4) are necessary in the interests of highway safety.
49. A condition to ensure the continued contribution of the soft landscaping provided for through the site development scheme (5) is necessary in the interests of the character and appearance of the area.
50. A condition to restrict occupancy of the site (6) is necessary given that the proposal is intended to meet a need for Gypsy and Traveller pitches and that the assessment of the suitability of the site is predicated on this basis. Conditions to restrict the number of pitches and caravans (7), to restrict the size of vehicles (8) to restrict commercial activity (9) and to control external lighting (10) on the site are necessary in the interests of the character and appearance of the area.

Conclusion

51. For the reasons given above, I find that the proposal would accord with the development plan when it is read as a whole, and material considerations do not indicate that a decision contrary to the development plan should be reached. I therefore conclude that the appeal should be allowed.

J Bowyer

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Unless otherwise amended under the conditions below, the development hereby permitted shall be carried out in accordance with the following approved plans: J005291-DD-01 (Site Location Plan); J005291-DD-02 (As Existing Block Plan); J005291-DD-03 (As Existing Site Plan); J005291-DD-04 (As Proposed Block Plan); J005291-DD-05 (As Proposed Site Plan); J005291-DD-06 (As Proposed Plan, Roof Plan & Elevations Day Rooms) and 2207002-02 Rev A dated 13 November 2025 (Proposed Access Arrangements – Visibility Splays).
- 2) The use hereby permitted shall cease and all caravans, structures, vehicles, equipment and materials brought onto the land for the purposes of such use shall be removed and the land restored to its condition before the development took place within 30 days of the date of failure to meet any one of the requirements set out in (i) to (iv) below:
 - (i) Within 3 months of this decision, and notwithstanding the details shown on drawing no. J005291-DD-05 (As Proposed Site Plan), a scheme (hereafter referred to as the Site Development Scheme) shall be submitted for the written approval of the Local Planning Authority, including details of:
 - a) Provision of any gates which are to be set back not less than 11m from the carriageway to allow for a vehicle towing a caravan to clear the carriageway of Beech Farm Road whilst the gate is being opened/closed and which shall open inwards towards the site only;
 - b) Provision of electric vehicle charging points
 - c) Hard landscaping, including areas for parking and surface treatment to the second vehicular access to Beech Farm Road hereby permitted.
 - d) Soft landscaping including details of species, plant sizes and proposed numbers and densities and details of a schedule of maintenance for a period of 5 years;
 - e) Details of biodiversity enhancements to achieve measurable biodiversity net gain; and
 - f) a timetable for implementation.
 - (ii) If within 11 months of the date of this decision 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 site development scheme shall have been carried out and completed in accordance with the approved timetable for implementation.

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

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.

- 3) Within 6 months of the date of this decision, the second vehicular access to Beech Farm Road hereby permitted shall have been constructed and provided with visibility zones, in accordance with plan no. 2207002-02 Rev A dated 13 November 2025. Thereafter the visibility zones shall be kept permanently clear of any obstruction over 0.6m high.
- 4) Within 6 months of the date of this decision, space shall have been laid out within the site in accordance with the Highways Technical Note for land at Beech Farm Road, Chelsham, Warlingham, CR6 9QJ prepared by Motion dated 28 July 2025 plan nos. 2207002-TK03, 2207002-TK04, 2207002-TK05 and 2207002-TK06) for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the turning areas shall be retained and maintained for their designated purposes.
- 5) Any trees or plants (including those retained as part of the development) which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 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 the Planning Policy for Traveller Sites or replacement planning policy or guidance.
- 7) There shall be no more than eight pitches on the site and on each of the eight pitches hereby permitted, 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 shall be a static caravan, shall be stationed at any time.
- 8) No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.
- 9) No commercial activities shall take place on the land, including the storage of materials.
- 10) No external lighting shall be put in place or used on the site other than in accordance with a scheme of external lighting which has first been submitted to and approved in writing by the Local Planning Authority.

End of Schedule