



Appeal Decisions

Hearing held on 20 and 21 January 2026

Site visits made on 19 and 21 January 2026

by Jessica Graham BA (Hons) PgDipL

an Inspector appointed by the Secretary of State

Decision date: 31 March 2026

Appeal A Ref: APP/Y3615/C/25/3374326

Appeal B Ref: APP/Y3615/C/25/3374395

Land Lying to South West of Tilthams Corner Road (known as “The Loseley”), Godalming, Surrey, GU5 0BT

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeals are made by Mr James Burgin (Appeal A) and Mrs Rosemary Burgin (Appeal B) against an enforcement notice issued by Guildford Borough Council.
- The notice was issued on 30 September 2025.
- The breach of planning control as alleged in the notice is: Without planning permission, the material change of use of the land for residential purposes, through the siting of caravans and associated unauthorised operational development, including building and engineering operations comprising buildings, installation of cesspit / septic tanks and drainage works, the creation of an access and the laying of material to create a hardsurface.
- The requirements of the notice are to:
 - i. Cease using the land for residential purposes
 - ii. Remove from the land the caravans and all paraphernalia and items linked to the residential use of the land, including any vehicles on the land in association with the residential use
 - iii. Remove from the land all buildings, fencing, materials laid on the land to create a hard surface, electrical supply and associated works and any septic tanks/cesspits and drainage works that have been installed as part of the unauthorised residential use
 - iv. Restore the land where the new access has been created to its previous condition, ensuring that the levels are in line with the adjacent land (not the road)
 - v. Plant a native hedge where the new access has been created to fill in the gap along the boundary of the site with Unstead Lane. The species mix should contain hawthorn (*Crataegus monogyna*), making up approximately 50% of the planting. The remainder should include blackthorn (*Prunus spinosa*), hazel (*Corylus avellana*), field maple (*Acer campestre*), dog rose (*Rosa canina*), elder (*Sambucus nigra*) and guelder rose (*Viburnum opulus*)
 - vi. Remove from the land any material or waste resulting from compliance with the above steps
 - vii. Restore the land to its previous condition, and re-seed the land with grass seed.
- The period for compliance with the requirements is 2 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Summary of Decisions: Both Appeal A and Appeal B are dismissed, and the enforcement notice is upheld, with correction and variations, in the terms set out below in the Formal Decision.

Background and preliminary matters

1. The Appellants and their family began their residential occupation of the Appeal Site, which they own, on the weekend of 13-14 September 2025. It is common ground that they meet the Government's definition of "Gypsies and Travellers".¹ On 13 September 2025 their agent submitted an application for planning permission for "The change of use of land to a residential caravan site to provide 3 pitches, each comprising 1 static caravan, 1 touring caravan, parking, bin store, cycle stores, hardstanding, new access to Unstead Lane and associated infrastructure for Gypsies and Traveller occupation (part retrospective)". That application was not (and still has not been) validated by the Council.
2. On 30 September 2025 the Council issued the enforcement notice that is the subject of these appeals, together with a Stop Notice. On 13 November 2025 the High Court granted the Council's request for an interim injunction, under s.187B of the 1990 Act, preventing the carrying out of any further development on the land.
3. The Appellants have appealed against the enforcement notice on a number of grounds, including ground (a): that is, that planning permission ought to be granted for the matters stated in the notice. The enforcement notice does not identify the number of caravans on the Appeal Site, but it is common ground that there are currently five.
4. Customarily, in Gypsy and Traveller cases, planning permission for a "pitch" is sought on the basis that it will be occupied by one household, meaning a single adult or two or more adults living together as a family or household, with or without children, who have both a static and a touring caravan; it is usual practice, if planning permission is granted, to impose conditions preventing the stationing of any further caravans. The Appellants have confirmed that their deemed application for planning permission under ground (a) of these appeals is for three such pitches and associated operational development, as set out in their (unvalidated) planning application of 13 September 2025, and detailed in additional plans concerning landscaping and access provisions² that were submitted in the course of the appeal process. I shall determine the appeals on that basis.
5. I made an unaccompanied site visit the day before the Hearing, in the course of which I walked along various roads and public footpaths in the area, but did not enter any private land. On the second day of the Hearing I made an accompanied visit to the Appeal Site, No.1 Selbourne Cottages, and the edge of the Unstead Wetland Nature Reserve.
6. At the Hearing, it was agreed that the final part of requirement (vii) of the notice, which specifies re-seeding the Appeal Site with grass seed, goes beyond what may reasonably be required by an enforcement notice; the first part of that requirement, which requires the restoration of the land to its condition before the breach of planning control took place, will suffice. I am satisfied that I can correct the notice, by deleting the final part of requirement (vii), without causing any injustice.

¹ Set out in Annex 1 of *Planning Policy for Traveller Sites* (updated December 2024) ("the PPTS")

² Site Layout and Outline Landscape Scheme TDA.3120.02, and Visibility Splays drg.no. LOS-VIS-01 Rev P2

The Appeals on ground (a)

7. The main issues are

- The implications of the fact that the Appeal Site is located within the Green Belt
- The effect of the development on the character and appearance of the area
- The effect of the development on the safety and function of the local road network
- Whether the Appeal Site is a “sustainable location” for the development
- The need for, and supply of, Gypsy and Traveller pitches
- The personal circumstances of the Appellants and other occupiers of the Appeal Site, and the best interests of any children involved.

8. Paragraphs 153 – 160 of the Government’s National Planning Policy Framework (“The NPPF”) set out a structured approach for assessing development proposals affecting the Green Belt, the outcome of which will shape how the overall balance of planning considerations is to be carried out. There is considerable overlap between that assessment and the other main issues in this case: for example, the question of whether or not development is “inappropriate” in the Green Belt depends in part on whether it would be in a sustainable location, and whether there is a demonstrable unmet need for it. To avoid repetition, I shall consider the other main issues first, and then turn to the implications of the Appeal Site’s location within the Green Belt.

The effect of the development on the character and appearance of the area

9. The Appeal Site is the south-east corner of a field that is currently laid to pasture, and adjoins Unstead Lane to the east and Upper Unstead Farm to the south. It lies within countryside that is designated an Area of Great Landscape Value (AGLV), and is part of the established Green Belt. It is also situated close to the existing boundary of the Surrey Hills National Landscape³ (“the SHNL”), in an area of valley floor proposed by Natural England for inclusion within the SHNL. The proposed boundary extension of the SHNL has reached a fairly advanced stage; I am told that the consultation procedures are now complete, and a draft variation order will be submitted to the Secretary of State in June 2026.

The policy context

10. Government guidance set out in chapter 15 of the National Planning Policy Framework (NPPF) is that planning policies and decisions should protect and enhance valued landscapes, and recognise the intrinsic character and beauty of the countryside. The guidance on National Landscapes and their setting, which needs to be read in the context of the statutory duty⁴ to *seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty*, is set out at paragraph 189:

³ Formerly known as the Surrey Hills Area of Outstanding Natural Beauty (AONB)

⁴ S.85 of the Countryside and Rights of Way Act 2000, as amended by s.245 of the Levelling-up and Regeneration Act 2023

Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes which have the highest status of protection in relation to these issues... The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

11. The NPPF guidance is reflected in the approach taken by the Guildford Borough Local Plan. Policy P1 states that the SHNL will be conserved and enhanced to maximise its special landscape qualities and scenic beauty: development proposals, which will be assessed against the provisions of the contemporaneous SHNL Management Plan, must have regard to its setting; and where development proposals are within the AGLV, they will be required to demonstrate that they would not harm the setting of the SHNL or the distinctive character of the AGLV itself. Policy D1 requires new development to reflect the distinctive local character of the area, including its landscape setting, and Policy D4 says that development proposals must respond positively to their surrounding context, including its prevailing character, landscape and significant views.

The landscape context

12. The Council's *Guildford Landscape Character Assessment & Guidance* (2007) ("the GLCAG") identifies, and provides information on the distinctiveness of, 25 local "Landscape Character Areas". The Appeal Site lies within Landscape Character Area A2: Upper Wey River Floodplain and is consistent with the identified characteristics of this area. It is located in the corner of a meadow, which is part of a flat, low-lying pastoral landscape of small or medium sized irregular fields, managed largely by traditional grazing and mowing. Small blocks and belts of woodland are present. The GLCAG goes on to note that the absence of development is a key characteristic of this area, with exceptions including a few large scale industrial works, and dwellings at the edge of the floodplain. The Appeal Site adjoins a small cluster of such dwellings and some associated farm buildings.
13. The *Surrey Hills National Landscape Management Plan 2025-2030* identifies the special qualities⁵ of the nearby SHNL as including its hills, views, woodland, heathland and farmland. It advises that threats and pressures on the special character of the SHNL include the demand for more houses and general development pressures, which have led to high land and property prices. This in turn affects the viability of land-based industries such as farming and forestry, leaving the farmed landscape vulnerable to loss and decline through land-use change and inappropriate management. The Management Plan goes on to note that factors contributing to this change include fragmentation, through which land may be speculatively acquired for residential and leisure plots.
14. The Boundary Review of the SHNL, undertaken by landscape architects on behalf of Natural England, identified the part of the Wey Valley in which the Appeal Site lies as a small section of valley floor which is physically and visually connected to the wooded slopes of Farley Hill. It is described as a relatively rare, intact area of lowland meadow where the combination of greensand hills, floodplain and natural river course is not interrupted or fragmented by infrastructure or development: its

⁵ being those aspects of the area's natural beauty, wildlife and cultural heritage which make the area distinctive and valuable, particularly at a national scale

special qualities are identified as deriving from the juxtaposition of flat, open meadow with the rising greensand hills. The assessment concludes that “this section of the Wey Valley forms a seamless extension to [the SHNL], comprising unspoilt traditional valley floor meadows”.

15. In summary, while not currently a part of the SHNL, the Appeal Site is nevertheless part of its setting, and part of a landscape considered valuable in its own right. Prior to development, it would have made a positive contribution to how the SHNL is experienced, as part of an open and undeveloped meadow in the middle ground of views (such as those available from the public footpath along the tow path of the River Wey Navigation) across the pastoral valley floor toward the wooded hills of the SHNL.

The effects of the development

16. There is nothing in the NPPF, the PPTS or the Local Plan that precludes the provision of Gypsy and Traveller sites in rural areas: such sites are not uncommon in the countryside. However, the placement of caravans within this low-lying meadow, where they are seen together with associated vehicles, domestic paraphernalia, a substantial area of hardsurfacing and high close-boarded timber fencing, has resulted in development that is a visually obtrusive addition to the landscape of the valley floor.
17. The Appeal Site is not readily apparent in the outward views identified by the SHNL Management Plan as forming part of the special qualities of the National Landscape, and public views from Unstead Lane are largely limited to glimpses through the new access and existing roadside hedgerows and vegetation. But from the public footpath that runs alongside the northern boundary of the Appeal Site, the development can be clearly seen and forms a dominant feature in views toward the SHNL. From the public footpath along the towpath of the River Wey Navigation, caravans and other vehicles on the Appeal Site draw the eye in views across meadowland toward the rising ground of the SHNL.
18. The landscape proposals submitted during the course of the appeals have been carefully designed to improve the current visual impact of the development. The existing high, close-boarded fencing has a suburban appearance, and its proposed replacement with timber post and rail, of the type used in other boundary treatments nearby, would better suit this pastoral landscape. Aligning the mobile homes (which could be made the subject of a condition requiring them to be clad in materials/colours more recessive than their existing bright white) in the south-east corner, along with the touring caravans and parking spaces, and planting a woodland buffer of native species to screen views of this domesticated part of the site, would help to better integrate the development with its surroundings and reduce the extent of its visual intrusion.
19. While the SHNL Management Plan advises that substantial tree screening is not considered to be a justification for a proposed development, it also recognises that effective landscaping and tree screening of native species “can assist in justifying a proposal”. More relevantly, given that the Appeal Site is not (yet) a part of the SHNL, the Landscape Strategy set out in the GLCA includes enhancing “the blocks and bands of woodland at the edge of the area that screen development”. In this context the proposed buffer planting, in and of itself, would not be a discordant addition to the landscape. I note the concerns raised about the use of

security lights and other lighting at the Appeal Site, which adversely affect the rural character and dark night skies of the surrounding landscape. This is however something that could be controlled by imposing a condition on any grant of planning permission, to prevent the use of any external lighting other than that which had been specifically approved by the Council.

20. I appreciate that all of these measures would help to reduce the adverse visual impact of the development, but substantial and significant adverse visual impacts would remain. The proposed buffer planting would take a number of years to reach maturity, and throughout that time the development would remain a visually discordant feature within the setting of the SHNL, disrupting the valued juxtaposition of open, undeveloped meadowland in the foreground and the wooded slopes of the SHNL beyond. Even after the buffer planting had matured, the development and associated comings and goings would still remain readily apparent, particularly during winter months, to users of the footpath adjoining its northern boundary.
21. Further, and importantly, the screen planting used to mitigate the visual impact of the development would contribute to a harmful alteration in the character of the Appeal Site and the wider landscape. Enclosing the development with native buffer plantations, so as to create the effect of it “blending in” in views toward the blocks and belts of trees at the edge of the floodplain and the wooded hills above, would come at the expense of losing part of the open, undeveloped meadowland which is a valued part of the setting of these existing features. The change of use, from part of an open agricultural field to an enclosed residential area, would reduce both the rural character and the natural beauty of the landscape.
22. The scale of the development is not large, and in other parts of the countryside, changes to the corner of a small field might have little impact. However, in this case the Appeal Site is located very close to an area that has the highest status of protection in relation to landscape issues, within meadowland valued for its open and largely undeveloped character, which not only makes a positive contribution to how the SHNL is experienced but, in all likelihood, will itself shortly become part of the designated SHNL. In this context, the adverse impacts of the development on the Appeal Site have a significant and harmful effect on the character and appearance of the landscape.
23. Local residents provided evidence showing that the meadow in which the Appeal Site lies has been sub-divided into individual plots, some of which have (like the Appeal Site) already been sold into separate ownership. They are concerned that to allow development on one of the plots could set a precedent for allowing development on others. It is of course important to be clear that every planning decision must be made on the basis of its own specific merits, in the context of the policies current at that time: as the Appellants point out, it is unlikely that personal circumstances and the best interests of the children would be the same in any two cases, and parts of the adjoining land lie in a different flood zone, where different considerations apply.
24. Nevertheless, having regard to the issues identified by the SHNL Management Plan as resulting in the fragmentation of farmland, concerns about what might happen in future on neighbouring plots are not wholly baseless: there is evidently pressure for the development of such land for both residential and leisure uses. In my view, this is not a consideration which carries any inherent weight against

granting planning permission in these current appeals, but it does emphasise the importance of ensuring that policies aimed at protecting the character and appearance of the countryside, and conserving and enhancing the natural beauty of protected landscapes, are rigorously applied.

Conclusion

25. I find that the development would conflict with the aims of Policies D1 and D4 of the Guildford Borough Local Plan, in that it would be at odds with, and detrimental to, the distinctive character of the area. It would adversely affect the setting of the SHNL and the character of the AGLV, and fail to conserve or enhance the scenic beauty of the SHNL itself, and so would also conflict with Local Plan Policy P1. In terms of paragraph 189 of the NPPF, I accept that the location of the development and design of the landscape proposals attempt to minimise adverse impacts on the designated area (in this case, the SHNL); however, in my judgment, the adverse impacts on the SHNL would be significant and substantial. I consider this a strong reason for refusing to grant planning permission.

The effect on the safety and function of the local road network

26. The Council's stated reasons for issuing the enforcement notice include (as item (h)) that the provision of safe and suitable access to the site has not been demonstrated, and that the access in its current form results in conditions contrary to Policy ID3 of the Guildford Local Plan and the NPPF. Local Plan Policy ID3 is primarily concerned with sustainable transport, which I shall come to later, but of relevance here is its requirement that new development provide and/or fund the provision of suitable access. The NPPF advises that while it must be ensured that safe and suitable access can be achieved for all users, development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe.
27. The unauthorised development that has taken place on the Appeal Site includes the construction of a new vehicular access to Unstead Lane, a narrow single-track country road with a 40mph speed limit. This access meets the carriageway at a sharp angle and a steep gradient, such that it would be challenging if not impossible for a vehicle to turn left into the Appeal Site from the south, and similarly for a vehicle to leave the Appeal Site and turn right to travel south on Unstead Lane.
28. The Highway Authority (Surrey County Council) was concerned that the consequent need for vehicles to make turning manoeuvres within the narrow width of the carriageway, or by utilising nearby private drives, would adversely affect highway safety; and that sufficient visibility would not be available to vehicles emerging from the new access. Local residents also raised concerns that the incidence of injury accidents involving vulnerable road users is already above a level that would normally be expected, and that the loss of a valuable passing space on Unstead Lane as a consequence of the new access, combined with additional traffic generated by the development, would adversely affect highway safety and increase congestion.

29. In the course of the appeal process, the Appellants submitted proposed improvements to the layout of the Appeal Site and the access and visibility splays,⁶ and commissioned a Transport Planning Consultant to undertake a speed survey over seven days in November 2025. It was established that, by reference to the guidance provided in the Government's *Manual for Streets*, a stopping sight distance of 25m would be required and could be achieved, in both directions, from the access. Having reviewed this additional material the Highway Authority was satisfied that safe and suitable access with appropriate visibility could be provided and, subject to the imposition of various conditions on any grant of planning permission, withdrew its objection to the development in advance of the Hearing.
30. The Council maintained its objection at the start of the Hearing, on the grounds that sufficient information had not been provided to show how mobile homes could safely be brought on to the site, nor to demonstrate that the banks at the site frontage remained safe and stable following the creation of the new access. As regards the stability of the roadside banks, one of the conditions proposed by the Highway Authority (and accepted by the Appellants and Council as relevant and necessary) was the submission of further details of the proposed alterations to the current access, clarifying how the proposed gradient and visibility splays would be achieved, and providing details on retaining structures. The condition would be worded to require the Council's approval of these details, and their subsequent implementation and retention. I am satisfied that this would be sufficient to ensure that the proposed works would remedy any instability caused to the adjoining roadside banks by the creation of the new access, and secure their future fitness for purpose.
31. The absence of certainty as to how mobile homes could be safely brought to the site is not, in my view, a matter that weighs against granting planning permission: a variety of methods are possible (including but not limited to temporary road closures to facilitate the use of cranes) and have been safely used elsewhere. I also note that the proposed alterations to the access include reducing both the angle at which it meets the highway, and the steepness of its gradient. This would mean that its mouth could provide space for two vehicles to pass, functioning in much the same way as the informal passing place it displaced.
32. I note the concerns of local residents that, by reference to the Official Copy of the Title Plan for the Appeal Site, a small part of the proposed access and visibility splays may not be on land owned by the Appellant. However, in situations where works on land that is not within the control of the applicant are necessary to make development acceptable, a negatively-worded condition can be imposed to prevent occupation until those works have been carried out – unless there are no prospects at all of the works being done within the time limit imposed by the condition. Here, there is no evidence that any as yet unidentified landowner might prevent the works from taking place, so an appropriately worded condition could be imposed, which means the apparent gap in ownership is not a consideration that weighs against granting planning permission.
33. I can understand the concerns expressed by local residents about the volume of existing traffic and the incidence of recorded accidents; I saw at my site visit that the narrow lanes in this area are inhospitable to pedestrians and cyclists, with no footways or street lighting. However, this is a small-scale development which

⁶ Detailed on drg nos TDA.3120.02 and LOS-VIS-01 Rev P2

would not generate a significant increase in the amount of pedestrian or vehicular traffic. Subject to conditions requiring and retaining the proposed access improvements, the Highway Authority considers that the access to and from the Appeal Site would be safe and suitable. It has not at any stage raised any objection in terms of the impact of the development on highway safety across the wider road network.

34. Taking all of this into account, I am satisfied that the development here at issue would not have an “unacceptable” impact on highway safety, or have “severe” impacts on the road network. It would therefore accord with the provisions of paragraphs 115 and 116 of the NPPF, and with the aims of Local Plan Policy ID3 to seek the provision of suitable access.

Whether the Appeal Site is a sustainable location for the development

35. The evidence of the Appellants is that there is a 24/7 convenience store less than a mile from the Appeal Site, and a supermarket 2.7 miles away. The nearest GP surgery is some 1.4 miles from the Appeal Site, while the closest pre-school, primary school and secondary school are 1.3 miles, 0.8 miles and 1.2 miles away respectively. It is 0.7 miles from the Appeal Site to the nearest bus stop, and considerably further to the nearest train station. As discussed above, the narrow, unlit country roads around the Appeal Site are not conducive to walking or cycling. Realistically, then, the occupiers of the Appeal Site would be reliant on the use of private motor vehicles to access shops and services.
36. This would conflict with national and local policies which seek to promote the use of sustainable modes of transport. However, the NPPF advises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and the PPTS acknowledges that Traveller sites may be located in rural and semi-rural areas. Paragraph 13 of the PPTS provides a list of criteria intended to ensure that Traveller sites are “sustainable economically, socially and environmentally”. These criteria include promoting access to appropriate health services; ensuring that children can attend school on a regular basis; and providing a settled base that reduces the need for long distance travelling, and reduces possible environmental damage caused by unauthorised encampment. They do not include specified distances from, or means of transport to, shops and services.
37. This approach recognises that whether or not a site is a “sustainable” location for Traveller pitches should not be assessed on the same terms as for bricks and mortar dwellings. People with a nomadic habit of life travel by definition, rather than working in employment areas planned along public transport routes, so wherever they live, Travellers tend to rely on private vehicles for work. Establishing a settled base improves access to medical services and education: without a fixed address it is harder to register for, and sustain, healthcare and schooling. There are social and economic benefits to everyone having proper health care, and all children attending school regularly.
38. In this particular case, while the Appellants and their family would be largely reliant on the use of private motor vehicles for access to shops, healthcare, education and other facilities, most of those trips would be of short duration, and comparable to those undertaken by the settled population in this rural area. There would also be some potential for the occupiers of the pitches to make shared trips. The

Appeal Site has reasonably good access to the major road network, for those who need to travel widely for work.

39. It is common ground that no other available alternative sites that would be suitable for occupation by the Appellants and their family have been identified. The evidence of the Appellants is that if they are unable to live at the Appeal Site they would have to return to an unlawful roadside existence, potentially further away from shops, schools and healthcare, which could generate increased journeys by private vehicle. Unauthorised encampments associated with roadside living also give rise to a range of other problems, including harm to the environment and social as well as economic costs.
40. In summary, the Appeal Site is not a location that is readily accessible on foot, by public transport or by cycling, and so does not comply with the aims of Local Plan Policy ID3 to maximise the use of those modes of transport. However, taking account of the provisions of the NPPF and PPTS, which are important material considerations, it is clear that accessibility by sustainable modes of transport is not the only criterion for assessing sustainability. In the context of the specific needs and lifestyle of those who meet the Government's definition of Gypsies and Travellers (to whom occupation would be restricted by condition), the Appeal Site would provide a settled base from which essential services could be accessed within reasonable travelling distance, in accordance with the criteria set out at paragraph 13 of the PPTS. In my judgment, the Appeal Site therefore constitutes a sustainable location for the development here proposed.

The need for, and supply of, Gypsy and Traveller pitches

41. Local Planning Authorities are required to carry out a rigorous assessment of the housing needs of the settled population in their area, and to include in their Local Plan policies to identify a five-year supply of specific, deliverable sites to meet that need. They have a similar requirement in respect of the Gypsy and Traveller population: to assess the need for pitches in their area, and to *identify and update annually a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against their locally set targets*.⁷
42. The Council carried out a Traveller Accommodation Assessment in June 2017, nearly nine years ago, which has not been updated since. In its Land Availability Assessment 2025, the Council determined that it has a 2.45 years' supply of pitches for the period 1 April 2025 – 31 March 2026. I note that the change to the PPTS definition of "Gypsies and Travellers" made by the Government in December 2024 is likely to have increased significantly the number of people meeting that definition, and that the Local Plan approach of requiring pitches to be provided on development sites of 500 homes or more has not, to date, provided even a single pitch. However, for the purposes of these current appeals, it is not necessary (and I do not have the evidence) to establish the precise extent of the current need for and supply of pitches: it is very clear, from the information provided, that there is a demonstrable unmet need for the type of development proposed.
43. As to the possible availability of alternative sites, there is no requirement in planning policy or case law for Appellants to prove that no other sites are available, or that the particular needs of their family could not be met at another

⁷ PPTS, paragraph 10(a)

site. In this particular case, the Appellants have provided compelling evidence as to why they and their family are unable to return to the site where they previously lived, and their undisputed evidence is that if required to leave the Appeal Site, they have nowhere else to go. The Council has confirmed that it is unable to identify any suitable alternative site.

44. The Council accepts that the supply of available sites falls well below the required five years, and that as a consequence, paragraph 11(d) of the NPPF is engaged. This sets out a “tilted balance” in favour of granting planning permission, unless the application of policies in the NPPF that protect areas or assets of particular importance provide a strong reason for refusing the development proposed. For the reasons set out above, I have found that the application of the policy in paragraph 189 of the NPPF provides a strong reason for refusing the development here at issue, and so the “tilted balance” of paragraph 11(d) does not apply. Nevertheless, the extent of the unmet need for site remains a consideration that carries considerable weight in favour of granting planning permission.

The personal circumstances of the Appellants, and the best interests of the children

45. Details of the personal circumstances of the Appellants and their family have been provided in various documents, and are accepted by the Council. It is not necessary, or appropriate, to set out those details in this public document. In summary, they are a group of extended family consisting of six adults, one school-age child and two pre-school-age children. Some of the adults have serious and long-term medical issues, requiring regular and consistent access to healthcare. A settled base would improve their ability to secure continuity of care from healthcare providers and medical teams with whom they were able to build trusting relationships, without the disruption caused by needing to register with different providers every time they were moved on.
46. It is well established that the best interests of the children is a primary consideration for decision makers in any planning appeal in which children are involved: no other consideration can be inherently more important than the best interests of the children, but the weight given to each consideration will depend on all the circumstances of the case. It is also well established that Traveller communities have worse health outcomes than the population as a whole, and that children are likely to have lower educational attainment and experience other harm from the disruption if they miss school regularly or have to move between different schools.
47. Establishing authorised pitches on the Appeal Site would provide the occupiers with a secure and stable base to bring up their children. The child of school-age is currently home-schooled, but it is their (and their family’s) intention that, if they are able to establish a settled base, they will attend a local school. The elder of the two pre-school-age children attends the nearby nursery in Shalford. Having a fixed and permanent home on the Appeal Site would enable all of the children living there to attend school consistently, and build relationships with teachers and other children from the settled community.
48. Conversely, refusing planning permission for the proposed development and upholding the enforcement notice would make it very likely that the children would, along with their parents, be rendered homeless. This would have serious adverse impacts in terms of the stability of their home life, and the conditions in which they

would be living if they had to leave the Appeal Site with nowhere to go. In the light of the evidence that there are no suitable and available alternatives to the Appeal Site which could provide these children with a settled home base, granting permission for the development would clearly be in their best interests.

The implications of the Appeal Site's location within the Green Belt

49. Paragraph 154 of the NPPF explains that development in the Green Belt is inappropriate unless one of eight exceptions apply. It is common ground that the development here at issue does not fall within any of those categories. However, paragraph 155 states that development in the Green Belt *...should also not be regarded as inappropriate where all of the following apply:*
 - a. *The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*
 - b. *There is a demonstrable unmet need for the type of development proposed;*
 - c. *The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework [and in the case of Traveller sites, paragraph 13 of the PPTS]; and*
 - d. *Where applicable the development proposed meets the "Golden Rules" requirements set out... below.*
50. The "Golden Rules" referred to in criterion (d) concern major housing development on specific sites, and are not applicable here. It has been established that there is a demonstrable unmet need for Gypsy and Traveller pitches, and so criterion (b) is met. For the reasons set out at paragraphs 36 - 41 above I have found that the development would be in a sustainable location, when considered in the wider context and with particular reference to paragraph 13 of the PPTS, which means that criterion (c) is also met. That leaves criterion (a). Since it is common ground that the development here at issue would not fundamentally undermine the purposes of the remaining Green Belt across the area of the plan, the question of whether or not the development is inappropriate turns on whether it would utilise "grey belt" land.
51. The Glossary at Annex 2 of the NPPF defines "grey belt" as *...land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b) or (d) in paragraph 143. "Grey belt" excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.*
52. The Council accepts, and I agree, that the Appeal Site does not strongly contribute to purposes (a), (b) or (d) of paragraph 143, which concern checking the unrestricted sprawl of large built-up areas; preventing neighbouring towns merging into one another; and preserving the setting and special character of historic towns. However, the "areas or assets in footnote 7" include National Landscapes, and the policies relating to them are set out at paragraphs 187-191 of the NPPF. For the reasons set out above, I have found that the application of the policy in NPPF paragraph 189 provides a strong reason for refusing the development here at issue. It follows that this development of the Appeal Site is excluded from the

definition of “grey belt”, and so should be considered inappropriate development within the Green Belt.

53. Paragraph 153 of the NPPF explains that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. “Very special circumstances” will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the development, is clearly outweighed by other considerations. I return to this balance below.
54. Paragraph 142 of the NPPF explains that the essential characteristics of Green Belts are their openness and permanence, and paragraph 143 lists the five purposes served by the Green Belt, which include safeguarding the countryside from encroachment. The Government’s Planning Practice Guidance advises that when assessing impacts on openness, matters to be considered include spatial and visual aspects, the duration of the development and the degree of activity generated. As discussed above, the Appeal Site is currently part of an agricultural field; its development for the permanent siting of residential caravans would both increase the degree of activity generated, and reduce the spatial and visual openness of the valley floor. It would also encroach upon the countryside, albeit to a limited degree, such that there would be harm to purpose (c) of the Green Belt.

Other matters

55. The Appellants have not provided any information concerning the ecology and biodiversity of the Appeal Site, either before or after the development took place. The Council’s stated reasons for issuing the enforcement notice included a failure to demonstrate that the unauthorised development would conserve and enhance biodiversity, or meet legal or policy obligations regarding biodiversity net gain. In fact no legal obligation to provide biodiversity net gain exists here, because the relevant legislation does not (currently) require it of deemed planning applications arising from an appeal against an enforcement notice. Policy P7(1) of the Local Plan requires development proposals to seek “maximum biodiversity gain on site”.
56. The purpose behind requiring a competent ecology survey before any development takes place is that it accurately establishes a baseline against which the effects of the development can be judged. However, since the planning regime includes statutory provision for planning permission to be granted in respect of development that has already been carried out, statutory provision is also made for a method of calculating pre-development biodiversity value in situations where there is insufficient evidence about what it actually was, and that metric could be applied here. I note that while the Wey Valley Meadows Site of Special Scientific Interest is nearby, its designation relates primarily to species of flora, and there is no real likelihood that this development would have any significant effect upon its qualifying features.
57. The Council now accepts that in this case biodiversity gain can be adequately addressed by an appropriately worded condition, and I share that view. The wording of the condition would require calculation of the pre-and post-development biodiversity value of the Appeal Site, details of the steps taken to address the adverse impact of the development in order to secure biodiversity gains, and provision for future habitat management and monitoring.

58. Similarly, it is common ground that the Council's original concerns about preventing any increased risk of flooding through increased surface water run-off, and ensuring sustainable design and construction practices, can be addressed through the imposition of conditions: failure to secure the Council's approval of a detailed drainage design (in respect of both surface and foul water) within the specified time period would mean that the residential use of the site would be required to cease.
59. While statutory provision exists for planning permission to be granted in respect of development carried out before a planning application is submitted, a Written Ministerial Statement (dated 17 December 2015) made *intentional* unauthorised development a material consideration in planning applications and appeals. It stated that the reason for this was the Government's concern about harm caused where development has been undertaken in advance of obtaining planning permission, because there is then no opportunity to appropriately limit or mitigate the harm that has already taken place.
60. This is a case in which intentional development has taken place. That must be a material consideration, but in my view, so too must its context. There is clear evidence that the Appellants had to leave the site where they were previously living, through no fault of their own, and that the Council has failed to make sufficient provision to meet the accommodation needs of Gypsies and Travellers in its area: it is also common ground that no other suitable alternative pitches are available to the Appellants. In the course of the appeal process the Appellants engaged a landscape architect to draw up a scheme aimed at limiting harm to the character and appearance of the area, and a highway engineer to design improvements to the access, which have satisfactorily addressed the Highway Authority's concerns. Conditions requiring the provision of these measures could be imposed on a grant of planning permission, which provides an opportunity to mitigate harm that has already taken place. Taking all of this into account, I consider that the fact the unauthorised development of this Appeal Site was carried out intentionally carries only a limited amount of weight against granting retrospective planning permission for it.
61. While not a concern raised by the Council, a number of local residents made representations about the effect of the development on living conditions at nearby dwellings. I appreciate that the presence of caravans and associated development are readily apparent in views from the windows and garden of the closest property, and the residential occupation of the Appeal Site, with its associated vehicle movements, has reduced the tranquility of the area. However, the separation distances between the Appeal Site and the neighbouring dwellings, and the presence of intervening boundary treatments and vegetation (to be improved and supplemented with additional native planting if planning permission were granted), means that the development does not visually dominate the existing residences nor significantly reduce their privacy. Subject to conditions governing the use of external lighting, and preventing commercial activities taking place on the Appeal Site, I am satisfied that the development complies with local and national planning policies aimed at protecting the living environment of existing residential properties.

The planning balance

62. The development constitutes inappropriate development, which is by definition harmful to the Green Belt. There would also be harm to the openness of the Green Belt and some harm, albeit limited, to one of the five purposes of including land in the Green Belt. The totality of this harm to the Green Belt carries substantial weight against granting planning permission. In addition there would be harm to the character and appearance of the area, including significant adverse impacts on the Surrey Hills National Landscape, which I have found to be a strong reason for refusing development; to this must be added the limited weight I have attached, in the circumstances of this case, to the fact that the Appellants moved on to the Appeal Site without first obtaining planning permission.
63. On the other side of the balance are the extent of the unmet need for Gypsy and Traveller accommodation, the Council's inability to demonstrate a five-year supply of pitches and the on-going failure of Development Plan policy to enable them to do so, the lack of suitable and available alternative sites, the personal circumstances of the Appellants, and the best interests of the children involved. These considerations together carry a great deal of weight in favour of permitting the development. In my judgment, however, the combined weight of these considerations is not sufficient to outweigh the totality of the harm that would result from the development.
64. I have given careful consideration to the possibility of a temporary grant of planning permission, which should be for a defined period, after which the planning circumstances would change in an identifiable and material way. The Appellants suggested a period of 5 years, to allow for pitches to come forward as part of the Council's efforts to address the accommodation needs of the travelling community. I note that an emerging replacement Local Plan, which will need to address the existing unmet (and future) need for pitches is predicted to be adopted by 2029, but I also note that the AGLV in which the Appeal Site currently lies is predicted to have become part of the designated Surrey Hills National Landscape before then. In any event, while a temporary grant of planning permission would mean that the harm resulting from the development would be time-limited, and therefore lesser than if the development were permanent, there would still be a very substantial amount of harm and it would not be outweighed by other considerations.

Conclusion on the appeals on ground (a)

65. I find that the very special circumstances necessary to justify inappropriate development in the Green Belt, whether permanent or temporary, do not exist. The development therefore conflicts with the requirements of Policy P2 of the Guildford Local Plan. I have also found that the development would conflict with the aims of Local Plan Policies D1 and D4, in that it would be at odds with, and detrimental to, the distinctive character of the area. It would adversely affect the setting of the SHNL and the character of the AGLV, and so would also conflict with Policy P1 of the Local Plan. There are no other material considerations of sufficient combined weight to overcome this conflict with the adopted Development Plan.
66. Refusing to grant planning permission and upholding the enforcement notice would be likely to make the Appellants homeless. This would amount to serious interference with their rights under Article 8 of the European Convention on Human Rights, enacted in UK law through the Human Rights Act 1998, which secures the

right to respect for private and family life and home. However, the human rights interference occasioned by this conclusion is in accordance with the law, and is necessary to uphold the operation of the planning system in the public interest, which includes conserving and enhancing valued landscapes, the well established and legitimate aims of Green Belt policy, and the requirement for development to accord with the planning policies of the Council's adopted Local Plan. In terms of the Public Sector Equality Duty, I am mindful that dismissing the appeals would perpetuate the difficulties that are currently endured by the Appellants and their family due to their ethnicity, and the adverse impacts that the lack of a settled base has upon their quality of life.

67. Having considered every relevant material consideration, and the possibility of imposing conditions on a grant of either permanent or temporary planning permission, I consider that subject to ensuring a reasonable time period for compliance with the requirements of the notice, which I shall return to below, a decision in the public interest cannot be achieved by means that would cause less interference with the rights of the Appellants and their family. A refusal to grant planning permission is a proportionate and necessary response in the circumstances of this case.
68. I therefore conclude that the appeals on ground (a) should fail, and the deemed application for planning permission should be refused.

The appeals on ground (f)

69. The ground of appeal is that the steps required by the notice exceed what is necessary to remedy the breach of planning control. The Appellants' case on this ground is limited to step (v), which requires a native hedge to be planted where the new access was created, in order to fill the gap along the boundary of the Appeal Site with Unstead Lane, and sets out the required species. The Appellants contend that this requirement is excessive because the part of the boundary that was removed to create the access was not a hedge, and did not contain any of the types of trees specified by the notice; it was just brambles. The Council contends that the definition of a hedge includes "a row of bushes or low trees planted closely to form a boundary", and that the notice requires the replanting of an indigenous hedge, not trees.
70. The recipient of an enforcement notice cannot be required to undertake works that would go beyond remedying the breach; the most the notice can seek to achieve is the restoration of the land to its previous condition. Where clear evidence is available as to what that previous condition was it may sometimes be appropriate to make the requirement more specific, but generally speaking, the standard wording "to restore the land to its condition before the development took place" is simple, fair and sufficient.
71. The Appellants have provided photographs of the relevant part of the boundary, prior to its removal. These show vegetation, and while I can claim no expertise in botany, it looks to my untutored eye as though that vegetation includes a greater variety of plants than just brambles. Be that as it may, it is not necessary to reach a conclusion on the matter. Rather, as agreed by the parties at the Hearing, the appropriate response to this ground of appeal will be to remove the particularities from step (v), and re-word it as a straightforward requirement that the boundary is restored to the condition it was in before it was breached. The parties may

continue to disagree on whether that boundary could rightly be termed a hedge, but they will have the Appellants' photographs to inform its dimensions, appearance, and composition.

72. I conclude that the appeals on ground (f) should succeed to this extent, and I shall vary the enforcement notice accordingly.

The appeals on ground (g)

73. The ground of appeal is that the two-month compliance period specified in the notice falls short of what should reasonably be allowed: the Appellants contend that in the agreed absence of any alternative available sites, and having regard to their personal circumstances, a compliance period of 18 months is needed. The Council considers that an extension of the compliance period to six months, rather than 18, would be reasonable.
74. As discussed above in the context of the appeals on ground (a), it is common ground that there are currently no suitable alternative pitches available to the Appellants. There are no public or transit sites available in the Borough and the substantial unmet need for pitches, and the lack of a five year supply of sites, are factors which will make it difficult for the Appellants to find a suitable place to relocate. Providing sufficient time to locate an alternative site, so that the family can move straight there and avoid the insecurity and disruption caused by having to lead a roadside existence for an interim period, would clearly be in the best interests of the children in this case. These are all considerations which lead me to consider that a compliance period of twelve months would be appropriate.
75. However, it is necessary also to bear in mind that since there will be no grant of planning permission for the development, there is no possibility of imposing conditions requiring the landscaping measures and improvements to the access to be carried out. The access to Unstead Lane is therefore likely to subsist in its current state for the duration of the compliance period, whereas the Highway Authority's withdrawal of their objection to the development was dependent on improving its steep gradient and sharp angle, providing visibility splays of 25m in both directions, and keeping them clear of obstruction. The Highway Authority was concerned that the use of the access without those improvements would increase the likelihood of vehicles reversing on to and within the highway, which would adversely affect the safety of road users. I share that view.
76. In my judgment, extending the compliance period to nine months would strike the right balance between the conflicting public and private interests in this case. It would give the Appellants more time for the difficult task of finding and relocating to an alternative site, while placing a limit on the duration of the harmful impacts caused by the development in its current form.
77. I shall vary the notice accordingly, and the appeals on ground (g) exceed to that extent.

Conclusion

78. For the reasons given above I have found that step (v) of the requirements exceeds what is necessary to remedy the breach of planning control, and that a compliance period of two months falls short of what should reasonably be allowed. I shall vary the notice so that step (v) requires the roadside boundary to be

returned to its former condition and the period specified for compliance is nine months; the appeals on ground (f) and (g) succeed to that extent. The appeals on ground (a) fail. I shall uphold the notice and refuse to grant planning permission for the deemed application.

Formal Decisions

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

- deleting the words “and re-seed the Land with grass seed” from paragraph 5 (vii)

And varied by:

- deleting the entirety of the text at paragraph 5(v), and replacing it with the words “Restore the missing section of the boundary between the Land and Unstead Lane, removed to create a new access, to its condition before that unauthorised development took place”; and
- deleting the number “2” and replacing it with the number “9” in paragraph 6.

80. Subject to this correction and variations **APPEAL A** and **APPEAL B** are both dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Jessica Graham

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Tony White	Planning Consultant, White Planning
Michael Rudd	Barrister, instructed by Mr Burgin
James Burgin	Appellant
Rhodri Crandon	Landscape Architect, Tirlun Design Associates Ltd

FOR THE LOCAL PLANNING AUTHORITY:

David Jobbins	Planning Consultant, Luken Beck
Robin Green	Barrister

Mr Jobbins represented, and Mr Green was instructed by, Guildford Borough Council

Clive Smith	Surrey Hills National Landscape Planning Adviser
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INTERESTED PERSONS:

Chris Nichols	Local resident
James Bevis	Transport Planning Consultant, i-Transport
Howard Leithead	Barrister

Mr Nichols represented, and Mr Bevis and Mr Leithead were instructed by, the group of local residents known as “Residents of Unstead Lane and Immediate Surrounds”

Diana Birkett	Local resident
Andrew Christmas	Local resident
Janet Pizzey	Local resident

DOCUMENTS SUBMITTED AT THE HEARING

1	Copy of email from Mr Jobbins to the Planning Inspectorate, dated 19 January 2026, setting out conditions required by the Highway Authority
2	Judgment of the High Court in <i>Quarry Mews Ltd v SSHCLG & Oxford CC</i> [2025] EWHC 1968 (Admin), as referenced by Mr Leithead
3	Draft list of suggested conditions, agreed by the Appellants and the Council
4	Enlarged plan of the Surrey Hills National Landscape boundary in the vicinity of the Appeal Site, as requested by the Inspector
5	Photographs taken on behalf of Residents of Unstead Lane and Immediate Surrounds, on the morning of the Inspector’s site visit on 21 January 2026
6	Copy of web page from Highways Update showing closure of Foxburrow Hill Road for roadworks from 10 – 26 January 2026, submitted by Residents of Unstead Lane and Immediate Surrounds

7	Official Copy of Title Plan for Title Number SY618830
8	Sketch Map of the Unstead Nature Community Group's Recording Area, with Unstead Wetland Nature Reserve outlined in red, provided by Ms Pizzey
9	Final list of suggested conditions, agreed by the Appellants and the Council
10	Closing statement on behalf of Guildford Borough Council
11	Closing statement on behalf of Residents of Unstead Lane and Immediate Surrounds
12	Closing statement on behalf of the Appellants