



## Appeal Decision

Inquiry held on 30 September 2025; 1 – 2 and 8 October 2025

Site visit made on 2 October 2025

**by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 27 May 2026**

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**Appeal Ref: APP/L3625/W/24/3352163**

**Land opposite Gable Cottage, Chequers Lane, Walton on the Hill, Surrey, KT20 7QF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr John James Frankham against the decision of Reigate and Banstead Borough Council.
  - The application Ref is 23/02680/CU.
  - The development proposed is described as: the change of use from equestrian land to a caravan site, to provide 3 residential pitches to be occupied by Gypsy/Travellers.
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### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for costs was made by Reigate and Banstead Borough Council against Mr John James Frankham. This application is the subject of a separate Decision.

### Preliminary Matters

3. Whilst the Council changed the description of development on its decision notice, the appellant did not agree to the change. Consequently, the description in the banner heading is taken from the application and appeal forms, which more accurately describes the proposal.
4. The Council issued its decision on 22 April 2024 with six reasons for refusal (RfR) following a delegated decision by its Officers to refuse the planning application. However, the main parties, verbally confirmed at the Inquiry following discussions in the lead up to the Inquiry, RfR 3,4 and 6 were no longer matters in dispute. This position was reflected in the Statement of Common Ground, and I have no reason to disagree with the latest positions of the parties on these matters.
5. Discussions took place between the main parties at the Inquiry, where it was agreed that there was no requirement to hear from the Council's witness on landscape matters through formal presentation of evidence. This approach was endorsed by the appellant and I held round table sessions (RTS) to make more efficient use of Inquiry time covering the following specific topics: relevant policies; character and appearance; openness; planning balance, very special circumstances and personal / temporary permissions.

6. On 16 December 2025, the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework). Whilst broad changes to the structure of the Framework are proposed as part of this consultation, these proposals could be subject to further change and can only be given very limited weight at this stage. I have not, therefore consulted the parties on the potential changes, and in reaching my decision, I have had regard to the Framework published in December 2024.
7. Whilst the inquiry closed on 8 October 2025, a written process followed that was agreed by the main parties. This only allowed the appellant to provide comments on the Council's cost claim and then allowed the Council to submit its rebuttal.

## **Main Issues**

8. The main issues of this appeal are:
  - the effect of the proposal on the character and appearance of the appeal site and surrounding area;
  - the effect of the proposal on protected trees; and,
  - whether the proposal forms inappropriate development in the Green Belt having regard to the Framework and other relevant development plan policies.

## **Reasons**

### *Character and appearance*

9. The appeal site is located on land defined as Area of Great Landscape Value (AGLV), which is a local landscape designation, where the intrinsic landscape amenity value of which needs to be protected for its own sake and as a buffer zone to the Surrey Hills National Landscape (SHNL), formerly Area of Outstanding Natural Beauty. The nearest point of the existing SHNL boundary is to the south/west of the M25. As part of Natural England's intention to increase the size of the SHNL, it is currently proposed to extend the SHNL to the southern edge of the M25. The appeal site is on the opposite side of the M25, and at the nearest point it is approximately 500m from the eastern edge of the motorway.
10. As per the SLCA<sup>1</sup>, the appeal site is located within Landscape Type 'CD: Chalk Down with Woodland' and Landscape Character Area (LCA) 'CD2: Tyrrell's Wood to Walton Oaks Chalk Down with Woodland'. A full list of the key characteristics of both LCAs are listed in the appellant's Landscape Statement of Evidence<sup>2</sup>.
11. Some of the key characteristics of the 'CD: Chalk Down with Woodland' LT are listed as: Consists predominantly of a mosaic of medium to small scale fields and woodland; Woodland is dispersed, but includes some large blocks, and wide tree belts; Fields are predominantly pastoral, but small scale paddocks and parcels of land associated with settlement are also a common feature; Less intensively farmed than the Open Chalk Farmland Type, with significantly more settlement, including hamlets such as Headley near Walton on the Hill and Farnleigh near Warlingham, other small groups of dwellings, and more isolated scattered farmsteads and houses; Elevated locations afford long distance views, often framed by woodland, amongst others.

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<sup>1</sup> The Surrey Landscape Character Assessment (SLCA), produced by Hankinson Duckett Associates in April 2015

<sup>2</sup> CD10.6 – Paragraphs 6.8 and 6.9, as per SLCA extracts in Appendix C

12. The Key Characteristics of the 'CD2: Tyrrell's Wood to Walton Oaks ChalkDown with Woodland' LCA are listed as: Undulating, fairly complex landform, becoming more elevated towards the south; The southern part of the character area extends into the Surrey Hills AONB (now National Landscape); Consists predominantly of medium scale pastoral fields, occasionally with larger arable fields. There are also areas of small fields such as paddocks, associated with settlement with well vegetated boundaries. Fields are interspersed with woodland blocks, approximately half of which are ancient woodland, along with tree belts and hedgerows. The northern part of the character area contains Tyrrell's Wood Golf Course; Tree cover restricts long distance views in places; Roads dissect the northern half of the character area, and although the central part of the character area, largely covered by woodland, is crossed by the M25 motorway, the character area has limited road access; The character area includes a number of low density settlements and individual dwellings; The north-eastern area is less settled, but abuts the western edge of Walton on the Hill, amongst others.
13. As part of the appellant's Landscape Statement of Evidence<sup>3</sup>, a Landscape and Visual Appraisal (the LVA) has been provided. This identifies the landscape and visual effects of the proposal. There were discussions at the Inquiry surrounding the methodologies employed in the assessment of landscape and visual effects, which the LVA confirms was in accordance with the Guidelines for Landscape and Visual Assessment (Third Edition) 2013 (GLVIA3). I concur that the LVA has been undertaken broadly in line with best practice guidance as set out in GLVIA3. However, the parties disagree on the magnitude of visual effects.
14. The LVA identifies representative viewpoints used to assess the impacts and resultant effects of the proposal on a range of views towards the site. No other viewpoints were suggested at the Inquiry. Although my attention was drawn towards an unofficial route that was located to the north of the site, within the belt of trees, I consider that the study area encompassed by the viewpoints in the LVA is appropriate for the consideration of the likely important effects of the proposal on landscape character and views. I also viewed the site from the locations identified in the LVA and am satisfied that I saw everything I need to assess the impact of the proposal.
15. The Council's development plan comprises the Reigate and Banstead Local Plan: Core Strategy adopted July 2014 and reviewed in 2019 (CS) as well as the Reigate and Banstead Local Plan Development Management Plan 2019 (DMP). CS Policy CS2 seeks to protect and enhance the borough's green fabric. Parts 1a. and 1b. of CS Policy CS2 refer to the SHNL and will therefore be provided with the highest level of protection and the landscape character of the countryside outside the current (or revised) SHNL boundary will be protected and enhanced.
16. Like CS Policy CS2, reference is made in DMP Policy NHE1 to the SHNL and the boundary review that is currently being undertaken. Part 1a. of DMP Policy NHE1 attaches great weight to the impact that development proposals on the landscape and scenic beauty of the SHNL and in Part 1c. it states that proposals must conserve and enhance the landscape and scenic beauty of the SHNL, and development proposals outside its boundaries must have regard to protecting its setting. Additionally, Part 2 of DMP Policy NHE1, advises that the principles set

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<sup>3</sup> CD10.6

out in Part 1 of the policy, applies to AGLV until such time as the SHNL boundary review is completed.

17. I am aware of the comments received on this matter during the assessment of the planning application and those from the SHNL Planning Adviser, dated 11 November 2024, which allude to the appeal site not being considered as part of the boundary review. Whilst it may well be the case that the SHNL does not extend further north and extend beyond the M25, this will only be confirmed, once the boundary review has been completed. I acknowledge the age of the last update on this matter, but in the absence of any further updates or evidence to the contrary, the fact remains the process is still underway. This is a significant factor in this part of the assessment. Consequently, I find that great weight should be attached to the impact of the appeal proposal and that it must conserve and enhance the landscape.
18. Using the definitions contained within the LVA<sup>4</sup>, the appeal site, including its immediate setting and surrounding landscape was assessed as medium. Then using the descriptions listed in the LVA<sup>5</sup>, the magnitude of change should be considered as low. Then using further definitions contained in the LVA<sup>6</sup>, the development would result in a small, or localised change, in character and characteristics only, the severity or significance of the developments effect upon the landscape character of the area is assessed as being minor adverse<sup>7</sup>. I therefore disagree with the conclusions of the LVA, in particular I do not consider that the proposal would conserve or enhance the AGLV as required.
19. In reaching this conclusion, I have considered paragraph 27 of the Planning Policy for Traveller Sites, December 2024 (PPTS), particularly a), b) and d). However, I am unable to attach positive weight to the use of previously developed land (PDL) in the context of paragraph 27(a) of the PPTS for the reasons outlined later in this decision.
20. Due to the site's location off Chequers Lane, and the gaps or breaks in mature vegetation along the boundary facing this road, there would be views of the site access, and more elements of the proposal, such as the mobile homes, dayrooms and general domestic paraphernalia, albeit to a lesser degree. However, this would accord with paragraph 27 d) of the PPTS as sites do not need to be hidden. The design and external materials for the proposal could be controlled to broadly reflect other development found in the area. However, the development would urbanise the site, detract from its current open nature, and the form of development does not and would not conserve or enhance this area of open countryside. Additionally, with regard to paragraph 27 b) of the PPTS, whilst native planting is proposed around the site's perimeter, including along the Chequers Lane boundary that would soften the development, this would take considerable time to establish, and even if it is maintained, the planting would not overcome the harm caused by the change to the site's character.
21. DMP Policy DES1 seeks high quality design that makes a positive contribution to the character and appearance of its surroundings. The Council contend that the proposal is contrary to parts 1 to 3, 8 and 9. As the appeal site is currently

<sup>4</sup> CD10.6 – 8.12

<sup>5</sup> CD10.6 – 8.14

<sup>6</sup> CD10.6 – 8.16

<sup>7</sup> CD10.6 – 8.11

undeveloped, I accept that the change in appearance occurring from this proposal to landscape character, and visual amenity would be permanent. I recognise that change itself does not necessarily equate to harm and that the PPTS recognises traveller sites can be located in rural areas and that they can be a common sight in the countryside and they are not intrinsically discordant features. Nonetheless, given my findings on CS Policy CS2 and DMP Policy NHE1, I consider that there would be conflict with the overall aim of DMP Policy DES1.

22. CS Policy CS16 requires development sites not to 'significantly' have an impact on the visual amenity and character of the area. The appellant took the Council through part 3 of this policy under cross examination, where the Council conceded that the proposal was compliant with CS Policy CS16.
23. I note the Appeal decisions referenced in the LVA<sup>8</sup>. However, in both instances these are for proposals in different locations to the appeal scheme and are not subject to the SHNL boundary review. I do accept that the views of the appeal site would be somewhat localised and that views from and into the existing SHNL are protected by woodland, amongst other things. Nonetheless, the SHNL boundary review is a material planning consideration of considerable weight, which has not yet been completed. In my view, the site does make a positive contribution to the attractive landscape value, and the proposal does not conserve or enhance the AGLV.
24. In reaching my decision, I have also had special regard to section 85(A1) of the Countryside and Rights of Way Act 2000 (as amended) (the CRWA) and the duty imposed upon me by the Levelling Up and Regeneration Act 2023 (the LURA) to seek to further the purposes of protected landscapes. Section 85(A1) of the CRWA places a statutory duty upon me to have regard to the purpose of conserving and enhancing the natural beauty of the SHNL. Whilst I acknowledge that the site does not currently form part of the SHNL or is scheduled to as part of the review, the final outcome still remains to be seen. Thus, I accept with regards to the SHNL, the site is currently well enclosed from wider views in the countryside, where it would be lost within existing features and built form, including the M25. Therefore, its visual impact would be limited mainly to the immediate vicinity. It would thus, not be intrusive within the wider landscape and would, therefore, not currently harm the landscape and scenic beauty of the SHNL. In so doing it would conserve its scenic beauty.
25. For the reasons given above, I conclude that the proposal would harm the character and appearance of the appeal site and would fail to conserve and enhance the AGLV. Consequently, whilst I have found no conflict with CS Policy CS16, this does not itself outweigh the conflict and subsequent harm that I have found against CS Policy CS2, DMP Policies NHE1 and DES1, which collectively seek to protect the character and appearance of the local environment and be of a high-quality design, amongst other things.

### *Protected trees*

26. There is a Tree Preservation Order (TPO), reference RE682 to the north of the site, which also includes some of the site itself. An Area TPO (Land opposite Grange Lodge, Chequers Lane, Tadworth, KT20 7QJ - RE1521) also exists on the land to the south of the site. A further TPO, reference RE1533 was served on 4no.

<sup>8</sup> APP/G1630/W/17/3192162 and APP/R3705/W/18/3199149

mature Scots pine along the eastern edge of the site. This TPO was served on 1 April 2025 and is currently at a provisional stage Order.

27. When the planning application was determined, the proposal involved the loss of 2no. Scots Pine trees, which are located along the boundary of the site that faces Chequers Lane. These trees are protected and identified as T35 and T36 in the Arboricultural Advice Note and are categorised as grade 'B', and having 20 – 40 years of useful life left. These details are reflected and form the basis of RfR no. 5 on the Council's decision notice (the decision notice).
28. Whilst not referenced on the decision notice, it is common ground that the group of trees identified as G10, comprising English Oak trees were also of concern to the Council. During the course of the appeal and at the Inquiry the appellant changed their stance on this matter, as it was made very clear that no trees would now be felled as part of the proposal. Consequently, this is how I have approached this main issue.
29. Following the suggestion verbally by the appellant at the Inquiry that any concerns could be addressed through the imposition of a suitably worded condition, it was then established through formal presentation of evidence and then cross examination of the Council's Tree Officer (the Tree Officer), that the tree of most concern would be T36. This was on the basis that the concerns surrounding both T35 and G10 could likely be addressed through a planning condition. Whereas the Tree Officer was less confident of a similar approach towards T36. The appellant sought to reassure the Council in this regard by highlighting the development would not be able to proceed, if the details submitted to the Council could not be agreed / be implemented<sup>9</sup>.
30. Given the evidence before me, including everything I heard at the Inquiry, I accept that the concerns raised in relation to G10 and T35 are more conducive to being addressed through the imposition of a planning condition, by virtue of their location within the site. However, in relation to T36, I find the circumstances to be different, namely the proximity of the proposed access and the change of levels encountered from Chequers Lane past T36 towards the site. Whilst the principle of a 'no dig solution' is acceptable in theory, there are no details that address changes in levels in this regard. Additionally, I am not convinced that there are not discrepancies within the arboricultural and highways evidence, when it comes to the distance of the proposed access from T36. Whilst the appellant placed a marker at the site visit to denote the 2.4m set back from the road where the proposed access would be, there was nothing else.
31. In the absence of substantive evidence to the contrary, my observations on site indicate that it is highly likely that the new access would be closer to T36 than envisaged by the appellant. Moving the new access further to the north was discussed at the Inquiry, but this is not a viable option to consider on this proposal as there is no evidence to support this approach or that the required visibility splays could be achieved. Therefore, I cannot be certain that highway safety issues would not arise as a direct consequence, through an inability to deliver the required visibility splays. Consequently, I am not satisfied that unacceptable development could be made acceptable through the imposition of a planning condition in this instance.

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<sup>9</sup> ID.22 – 1.1.3

32. Although, it is not the formal position of the appellant, I am still being asked to consider the justification towards T36 being felled, given the proposed 6no. Scots Pine trees being planted within the site as part of the proposal and the other perceived benefits associated with the proposal. I do not consider in this instance that there is any justification to remove T36, as it is a mature specimen, with normal growth vitality, good structural condition and a high landscape contribution. The loss of T36 would have a very significant harmful effect on the visual amenities in the locality and any replacement trees would take a very long time to establish, regardless of their location within the site.
33. DMP Policy NHE3 facilitates circumstances where the loss of a protected tree can be justified if the need for, and benefits of, development in that location clearly outweigh the loss, and adequate compensatory provision commensurate to that which is lost is provided on site where possible. Overall, I consider through better design, there would be no requirement to fell or cause damage to T36. I shall discuss the benefits of the proposal later in my decision and explain why these are not sufficient to outweigh the harm that would occur to the protected tree.
34. For the reasons given above, I conclude that the proposal would harm a protected tree (T36). Consequently, the appeal scheme fails to accord with DMP Policy NHE3, which seeks to safeguard valuable tree cover and ensure that, through good design and best practice, these features are protected and enhanced as an integral part of new development, amongst other things.

*Whether inappropriate development in the Green Belt*

35. The site lies in the Green Belt. CS Policy CS3 states that planning permission will not be granted for inappropriate development in the Green Belt unless very special circumstances clearly outweigh the potential harm to the Green Belt.
36. Paragraph 153 of the Framework states that inappropriate development is harmful to the Green Belt, and it should not be approved except in very special circumstances. The appellant is of the view that exceptions f) and g) listed at paragraph 154 of the Framework apply. However, with regard to paragraph 154 f), I do not find any evidence that supports the view that the scheme meets any of the definitions set out in Annex 2; Glossary of the Framework for Affordable Housing, which sets out the necessary criteria for either sale or rent. Additionally, no legal mechanism has been provided that would secure any affordable housing. Consequently, the scheme does not meet the requirements of paragraph 154 f) of the Framework.
37. The appellant is also of the view that the site comprises PDL and as such paragraph 154 g) applies, which defines partial or complete redevelopment of PDL (including a material change of use to residential) as not inappropriate development provided it avoids substantial harm to the openness of the Green Belt. PDL is defined within the Framework as that which has been lawfully developed and is occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land.
38. To support this view, the appellant contends that stables occupied the appeal site, as shown in an aerial photograph provided at the Inquiry, which are no longer in place. There is also reference towards a drinking trough, a metal storage container and a compound for a former electricity sub-station. I find it highly likely that the land has been used for grazing horses, although this itself does not demonstrate

PDL. However, based on the submitted evidence, and my own observations, I am not convinced that the stables were present for any significant period of time, particularly as an aerial photograph dated April 2020 does not show them located on the appeal site. Additionally, for similar reasons, there is little to substantiate the claims surrounding the water trough or the container.

39. Nevertheless, I am satisfied that the appeal site once form part of the property known as 'Lovelands', as indicated by the original 'UK Power Networks' signage on the former substation compound. This corresponds with the comments made by the appellant regarding the sub-division and subsequent sale of the land, when he purchased the appeal site. Nonetheless, whilst the Framework's PDL definition does not preclude grassed areas from falling within the curtilage of developed land, there is nothing before me to confirm that the appeal site once formed part of the residential garden and/or curtilage of 'Lovelands'. I find the only area of the appeal site that could be considered as PDL would be the area limited to the compound of the former substation. Therefore, on the balance of probabilities, I find that the whole of the appeal site cannot be treated as PDL.
40. The appellant has also advanced paragraph 155 of the Framework to support his case, which explains that development of homes, commercial and other development in the Green Belt should not be regarded as inappropriate where all 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 plan;
  - b) there is a demonstrable unmet need for the type of development proposed;
  - c) the development would be in a sustainable location;
  - d) where applicable, the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157.
41. There is agreement between the main parties that should the scheme meet the requirements of paragraph 155 b), then both paragraph 155 a) and (c) are met, and that paragraph 155 d) is not engaged, which accords with paragraph 18 of the PPTS, which states the Golden Rules, do not apply to traveller sites. I shall discuss the circumstances surrounding paragraph 155 b) in more detail below.

#### *Need and supply*

42. The Council's Gypsy and Traveller Accommodation Assessment (GTAA) dates from 2017. The baseline date for the study was between March and May 2016 which was when the majority of the household interviews were completed. The GTAA identifies a need for 32 pitches over the period 2016-2031.
43. Since the GTAA was commissioned, the definition of a Gypsy and Traveller has changed following the Lisa Smith judgment in 2022. The revised definition in the PPTS states 'all persons with a cultural tradition of nomadism or of living in a caravan'. The Council advised that the GTAA in reporting those that 'do not meet the definition' takes the revised definition into account. However, it is not clear that the GTAA takes full account of this wider group, which adds to the uncertainty of the accuracy of the evidence base and brings into question the identified need in the Borough. Additionally, I note the concerns raised by the appellant surrounding

the interview rate, by the appellant's own admission, this figure does not include Travelling Showpeople or those residing in bricks and mortar.

44. The PPTS in paragraph 10 states that local planning authorities should update annually a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against their locally set targets. Before the Inquiry, I was provided with the Council's Housing Delivery Monitor Including 5 Year Housing Land Supply Position on 31 March 2025 (HDM), which sets out the need and supply of Traveller pitches for the 5-year period April 2025 to March 2030. A need of 4.8 pitches is identified for that period, resulting in an annual average need of 0.96 pitches. A supply of 12.8 pitches is identified, which amounts to a 13.33 year supply. However, within this figure an oversupply of 8.8 pitches from previous years is included and thus comprises of only 4no. new pitches.
45. Nonetheless, during cross examination the appellant suggested that there has been an increase in unauthorised sites within the Borough, which currently amounts to at least 48no. pitches, all of which remain unauthorised and occupied. This figure and circumstances was accepted verbally by the Council under cross examination. Therefore, even when taking the supply advanced in the HDM, there is clearly a significant unmet need and no up-to-date five-year supply to meet that need. The PPTS is clear at paragraph 25 a) the existing level of local provision and need for sites is a relevant matter when considering planning applications for traveller sites. I acknowledge that the Council sought to redress its position on this matter during closings<sup>10</sup>, including circumstances surrounding refused planning applications, but after everything I have seen and heard, the evidence clearly indicates towards a current unmet need in the Borough.
46. Other factors, which were discussed at the Inquiry surrounded inward migration. Paragraph 25 e) of the PPTS requires applications to be determined for sites from any travellers and not just those with local connections. Much was made at the Inquiry to the current location of the future occupants, but on the evidence before me this is not a reason to withhold permission. This is also an area that the GTAA does not adequately address.
47. I recognise that the Council are in the process of producing an up-to-date GTAA, but at the time of the Inquiry, I was informed verbally that interviews had taken place during the summer months of 2025. Whilst acknowledging the figures contained within the Traveller Caravan Count and accepting that these might well follow a national trend, I do treat them with caution, as there are no background details surrounding the occupants of these caravans. Nonetheless, the upwards trajectory of the figures, does suggest that circumstances may have changed since the publication of the GTAA.
48. Both main parties brought to my attention a number of Judgments, which I have considered in reaching my decision on this matter. I also acknowledge the findings of the examining Inspector on the GTAA as part of the examination of the Reigate and Banstead Development Management Plan, dated 9 July 2019 (the Report). However, this was at a time when the difference in dates between the GTAA and the Report was much less, unlike now where the GTAA is much older. Additionally, three recent appeal decisions in the Borough have been referenced by the main parties in support of their respective positions.

<sup>10</sup> ID.23 – Paragraphs 23-32

49. However, whilst the Picketts Lane<sup>11</sup> Decision supports the Council's position on this appeal, it was established verbally at the Inquiry that the Inspector in that case had not had the benefit of the Norwood Hill<sup>12</sup> Decision before them, which was issued approximately 5 months prior to the date of the hearing. This may or may not have changed the outcome of the Picketts Lane Decision, but for the purpose of this appeal, I reduce the weight that I attach to the Picketts Lane Decision and its support of the Council's position. I acknowledge, the comments made by the Council at the Inquiry regarding its intention to challenge the Saxon House Decision.
50. However, given the concessions made by the Council under cross examination surrounding need at the Inquiry, I do not need to consider this matter further, as the appeal decisions referenced to support the positions of the main parties are not determinative factors on the matter of need. Given the above, I conclude that the GTAA is out of date and there is a demonstrable unmet need for the type of development proposed.

#### *Overall conclusion on Green Belt*

51. I have found that the appeal site forms grey belt land, that there is an unmet need for the type of development proposed and that the site is in a sustainable location. The proposal therefore complies with paragraph 155 of the Framework, and it does not form inappropriate development in the Green Belt having regard to the Framework, the PPTS and CS Policy CS3. As such, there is no need to assess the proposal's effect on openness.
52. The Council's first RfR refers to DMP Policy NHE5, which concerns extensions or alterations to buildings, replacement buildings and boundary, amongst other things. There is reference to Traveller Sites, but this is in relation to those listed in DMP Policy GTT1, which does not include the appeal site. The appellant argued at the Inquiry that this policy is not applicable to the proposal, and the Council was given the opportunity to provide an explanation verbally, for its inclusion. However, whilst taking these views into consideration, given the wording of DMP Policy NHE5, I find it is not directly applicable to the appeal proposal.

#### **Other Matters**

53. I have had regard to the considerable number of objections received from interested parties, as part of the original planning application and this appeal. I also note the views expressed by those interested parties who attended the Inquiry, expressing a wide range of concerns including, but not limited to the following: highway safety and ecology, amongst other things.
54. It is acknowledged by all parties that some RfRs were resolved before the Inquiry opened. Therefore, matters surrounding highway safety, ecology and flood risk are no longer in dispute between the main parties. Subsequently, the Council raise no objections to these matters, subject to the imposition of suitably worded conditions.
55. Concerns are still being raised by interested parties surrounding sight lines / visibility splays and vehicles entering and leaving the site. Concern has also been raised surrounding the TRICS<sup>13</sup> data and whether it reflects the proposed use of

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<sup>11</sup> APP/L3625/C/22/3302376-7

<sup>12</sup> APP/L3625/W/21/3282272

<sup>13</sup> Trip Rate Information Computer System

the site. Additionally, there are concerns surrounding the proposed mitigation measures for ecology, which in their opinion are considered to be unrealistic and would not prevent a loss in biodiversity. However, I find no evidence to substantiate these alternative views.

56. The effect of the proposal on the Walton on the Hill Conservation Area has also been raised by an interested party, which is on the opposite side of Chequers Lane to the appeal site. I note that this issue, along with a variety of other matters were considered where relevant by the Council in the determination of the planning application. Additionally, I recognise that Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) does not extend to the setting of a Conservation Area. Whilst I can understand the concerns of the interested parties, there is no compelling evidence before me that would lead me to come to a different conclusion to the Council on these matters.

### **Planning Balance**

57. The proposal would cause harm to the character and appearance of the appeal site and surrounding area, where the harm would be long lasting, failing to conserve and enhance the AGLV. Additionally, whilst a condition is proposed to ensure that no harm occurs to protected trees, I have found that it is highly likely that T36 would be harmed. This tree is prominent in the street scene and in turn positively contributes to the AGLV. Given my findings on the evidence, on the second main issue, I am not convinced that unacceptable development could be made acceptable in this instance and that it is highly likely that complications would arise in attempts by the appellant when trying to discharge the suggested condition. Given the current SHNL boundary review, this heightens the impact of the proposal, where I consider the harm attracts very substantial weight in the balance. Consequently, there is conflict with the development plan, as outlined above.
58. Paragraph 28 of the PPTS states that if a local planning authority cannot demonstrate an up-to-date 5-year supply of deliverable sites, the provisions in paragraph 11(d) of the Framework apply. Given my findings on need, the provision of 3no. pitches, which are suitably located, carries weight in the scheme's favour, although due to the proposed applicant's, they are unlikely to reduce the existing need in the Borough. I have also found that the appeal proposal would not form inappropriate development in the Green Belt and therefore there is no need to consider whether very special circumstances exist.
59. Personal circumstances<sup>14</sup> have also been advanced by the appellant in support of his case. Within this, I am aware that children form part of 2no. of the proposed family units, so I have considered the best interests of these children as a primary consideration. I have also noted the medical conditions listed of some of the future applicants. In considering, these personal circumstances, I have also taken into account the circumstances surrounding the existing accommodation of these applicants, where Applicant 1 and his partner live with the appellant and Applicant's 2 and 3 live in bricks and mortar with their respective families. Whilst I accept that the proposal would facilitate a great support network through the interconnection of the families, there is no evidence that the future occupiers cannot currently access education or medical services.

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<sup>14</sup> ID.14

60. Additionally, whilst a previous roadside existence has been mentioned with regard to Applicant 3, there is no apparent threat of a roadside existence should this appeal fail. However, there is no doubt that the proposal would be much more suitable to the way of life of the future occupants and may assist with some of the medical conditions experienced by some of the applicants. I am also mindful that no other alternative sites have been suggested by the Council. In this instance, the benefits of this case attract substantial weight in favour of the proposal.
61. I also acknowledge that gypsies share the protected characteristic of race for the purposes of the Public Sector Equality Duty under s149 of the Equality Act 2010 which sets out the requirement to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not. In reaching my decision, I have kept these interests at the forefront of my mind, and for the avoidance of doubt, I have determined the appeal based on the development applied for based on its merits notwithstanding the parties involved.
62. Taking all of these considerations into account, I conclude that the identified harm that would arise from the proposal would significantly and demonstrably outweigh the benefits and therefore indicates that a permanent permission should not be granted for the appeal scheme at this time. It follows that the presumption in favour of sustainable development is not applied by virtue of paragraph 11(d)(ii) of the Framework.
63. However, given the appellant's case, it is necessary to consider whether the grant of a temporary planning permission would be justified. There is an unmet need in the Borough and consequently an inability to demonstrate a five-year supply as required by the PPTS. Typically, this is a significant material consideration when considering the grant of a temporary planning permission, particularly as the proposal does not amount to inappropriate development in the Green Belt. It remains, however, to be a relevant consideration of considerable weight given the Borough's constrained nature. I also attach substantial weight to the absence of alternative accommodation available to the prospective applicants.
64. Whilst the Planning Policy Guidance advises that temporary permissions may be appropriate where it is expected that the planning circumstances will change in a particular way at the end of the permitted period, the nature and level of harm as a consequence of the proposal, including the potential changes do not make this approach feasible in this instance. Although, a condition for the site's restoration at the end of a temporary period could be imposed to help mitigate the harm identified, due to the reasons outlined above, I am not satisfied that the effects of the proposal could be easily reversed after any such temporary period.
65. In my judgment, the identified harm of granting temporary permission would still significantly and demonstrably outweigh the benefits, albeit I accept to a lesser degree than a permanent permission. However, given the unlikely full reversal of the harmful effects from the proposal, which would include damage to a protected tree, it follows that the presumption in favour of sustainable development is not applied by virtue of paragraph 11(d)(ii) of the Framework. In these circumstances and given the harm that I have identified, a refusal of temporary planning permission in respect of this proposal and the individuals involved would be proportionate, legitimate and a necessary response that would not violate those

persons' rights under Article 8. The protection of the public interest cannot be achieved by any means that are less interfering of their rights.

66. In both the case of a permanent or a temporary permission, I consider the harm resulting from the proposal, as identified above, would outweigh the benefits in terms of advancing equality. Accordingly, the material considerations in this case do not indicate that the proposal should be determined other than in accordance with the development plan.

### **Conclusion**

67. The proposal would conflict with the development plan as a whole and there are no other considerations, including the Framework which outweigh this finding. Therefore, for the reasons given above, I conclude the appeal should be dismissed.

*W Johnson*

INSPECTOR

## **APPEARANCES**

### **FOR THE APPELLANT:**

Alan Masters, Counsel  
He called:

Instructed by Tony White

Tony White, Agent

White Planning and Enforcement

Rhodri Crandon

Tirlun Design Associates (TDA)

John Frankham

Appellant

Clifford Ingram

Father of 2no. proposed occupiers

### **FOR THE LOCAL PLANNING AUTHORITY:**

Scott Stemp KC, Counsel  
He called:

Instructed by Reigate and Banstead  
Borough Council

Michael Parker

Principal Planning Officer, Reigate and  
Banstead Borough Council

Guy Stephens

Tree Officer, Reigate and Banstead  
Borough Council

### **INTERESTED PARTIES:**

Gillian Hein

Vice Chair, Tadworth and Walton  
Residents Association

Robert Lee

Trustee Chairman, Tadworth and  
Walton Preservation Society

Anne Edwards

Professor Emerita, University of Oxford  
Department of Education

## INQUIRY DOCUMENTS

- ID.1 – Factual Note from LPA
- ID.2 - APP/L3625/C/24/3345298 - Land at Saxon House, Haroldslea Drive, Horley, Surrey RH6 9PH
- ID.3 – PINS 5 Year Supply
- ID.4 – LPA Opening
- ID.5 – LPA Costs
- ID.6 – TWRA Highways
- ID.7 - Ecology
- ID.8 – TWRA Previously Developed Land and Green Belt
- ID.9 – TWRA – Landscape
- ID.10 – Very Special Circumstances
- ID.11 – Walton and Tadworth Preservation Society
- ID.12 – Anne Edwards Letter
- ID.13 - Caravan Count
- ID.14 – Mr Ingram Statement
- ID.15 – Google Earth Image
- ID.16 – Aerial Image of Peeks Brook Lane
- ID.17 – TWRA Comments on Conditions
- ID.18 – LPA cover email to PINS conditions
- ID.19 – Appellant cover email to PINS conditions
- ID.20 – Updated draft conditions with appellant comments 6 October 2025
- ID.21 - Updated clean version of conditions schedule 6 October 2025
- ID.22 - Appellant closing submissions
- ID.23 – LPA Closing submissions
- ID.24 – Appellant suggested Site Development Scheme Wording Condition
- ID.25 – Appellant acknowledgment of pre-commencement conditions
- ID.26 – Appellant costs response
- ID.27 LPA final comments to costs application