



Appeal Decision

Site visit made on 1 June 2026

by **Robin Buchanan BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date 10 June 2026

Appeal Ref: APP/Y3615/C/25/3366792

Land at Goal Farm, Gole Road, Woking GU24 0PZ

- The appeal is made under section 174 of the Town and Country Planning Act 1990, as amended (the Act).
- The appeal is made by Mr Karl Kavanagh against an enforcement notice issued by Guildford Borough Council.
- The notice was issued on 29 April 2025.
- The breach of planning control as alleged in the notice is *'Without planning permission, operational development comprising hard standing, land level changes, stables, the erection of fencing and access gates in excess of 1m adjacent to a highway used for vehicular traffic and the laying of a tarmac apron'*.
- The requirements of the notice are to:
 - i) Remove from the Land the stables in the location approximately hatched in blue on the attached plan B;
 - ii) Remove from the Land the fencing and gates in the approximate location marked with green lines on the attached plan B;
 - iii) Dig up and remove the hard-surfacing (including the tarmac apron) in the location approximately hatched in black on the attached plan C;
 - iv) Re-level the Land in the area hatched in black in Plan C to match the adjacent Land levels;
 - v) Reseed the Land to grass;
 - vi) Remove from the Land any material or waste resulting from compliance with the above steps.
- The period for compliance with the requirements is: 4 months.
- The appeal is proceeding on the grounds set out in section 174(2)(c), (f) and (g) of the Act.

Summary Decision: The appeal is dismissed; the enforcement notice is varied then upheld as set out in the Formal Decision.

Preliminary Matters

1. I was met by a Council officer and, I was informed, one of two new owners of the land. Evidently the appellant sold the Land after the appeal was lodged and notified the new owners about the site visit. With that in mind, and the Council's agreement, I carried out the site visit.

Enforcement Notice

2. It is important that the notice is in order. I saw that there may have been further development on the Land since the notice was issued, including additional hard standing and fencing. This circumstance is not unusual and is a separate matter for the parties concerned. I have determined the appeal on the basis of the works pursued by the notice. These are clearly described in the notice, including with approximate positions in plans and can be reconciled with what I saw on those parts of the Land. Whereas the appellant's overlay plan¹ does not match the

¹ Drawing number L024163-203

alignment or extent of the green line in notice Plan B. It also positions the black hatching in notice Plan C too far to the north, overlapping Gole Road.

3. Consequently, and with regard to caselaw put to me, taken as a whole the notice is sufficiently precise and unambiguous. The appellant has not pursued ground (b) and has been able to submit a detailed appeal case. There is little to suggest that the appellant has not understood the notice or what needs to be done to comply with it. As a result, the notice is not flawed or defective. Nor is it invalid or a nullity and there is no reasonable basis for it to be quashed or varied in the manner suggested by the appellant.

Ground (c)

4. Ground (c) is that the matters stated in the notice (in essence a hard standing, land level changes, stables, fencing and gates and a tarmac apron) do not constitute a breach of planning control. For ground (c) to succeed in this appeal, the onus is firmly on the appellant to demonstrate, on the balance of probability, that these works are de minimis, so not within the meaning of development in section 55 of the Act or that requires planning permission under section 57(1). But if they are development, that they are permitted development granted planning permission by Article 3(1) of The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (the GPDO).
5. There is no ground (a) deemed application for planning permission and planning merits and conditions are not relevant to ground (c).

Development

6. For planning purposes, it is generally accepted that de minimis includes works that are so minor or trivial that they are not within the meaning of development.
7. The mainly loosely deposited coarse aggregate hard standing is purposefully levelled out over a prepared membrane foundation. The tarmac apron is laid on a slope, at the vehicular entrance to the Land and includes raised curb like edging. These structures, within the area hatched black in notice Plan C, are wide and long so also extensive in area, stretching across most of one corner of the Land. As identified at the site visit, this part of the Land has some abrupt land level changes near the stable closest to Gole Road, including retaining structures.
8. There is little evidence that the stables, hatched blue in notice Plan B, were brought onto the Land assembled and simply placed on it or are mobile. Nor that if constructed on the Land they are without any foundations. Either way, these buildings are typical in dimensions and form for this sort of structure with appreciable scale and massing.
9. Some of the fencing, marked by the green line in notice Plan B, is constructed with reasonably thick profile wooden posts and rails. Though largely open, this fencing is moderately tall and the posts are fixed into the ground. The rest of the fencing on this part of the Land is constructed from much taller wooden close boarded panels and concrete posts fixed into the ground, with concrete gravel boards. The single, wide gate I saw (also marked by part of the green line) is constructed from tall vertical wooden planks butted together in a metal frame and slides sideways along a metal guide rail set in concrete. These structures form a long, continuous

boundary along this part of the Land, facing Gole Road with notable visual and spatial presence.

10. In the absence of evidence to the contrary, even if not undertaken by a builder or similar tradesperson, these works likely also involved careful pre-planning and execution, including ground preparation and requisite equipment or machinery.
11. Consequently, the works are not minor or trivial. There has been significant intrinsic change to the physical nature of the Land, with more permanent than fleeting or temporary intent. The appellant has therefore not demonstrated, on the balance of probability, that the works are de minimis. Instead, they involved building, engineering or other operations within the meaning of development in section 55 of the Act thus require planning permission under section 57(1).

Permitted Development

12. **Part 6, Class A** - In essence, the appellant contends that the Land is in agricultural use. I have been referred to livestock including sheep, cattle, goats and hens and the production of hay with associated smallholding activity for land-based food production and husbandry. On this basis, the hard standing, land level changes, stables and tarmac apron are said to be permitted development, granted planning permission by Article 3(1) and Schedule 2, Part 6, Class A of the GPDO.
13. I appreciate that the use of any land for the purposes of agriculture is not within the meaning of development in section 55(2)(e) of the Act. However, the notice does not pursue use of the Land. Nor does it (or the Council's evidence and interested party comments) purport to confirm lawful agricultural use of the Land. On the evidence before an Inspector four years ago, there was no agricultural use². A formal determination in this regard, including with reference to relevant caselaw put to me, would need to be by an application for a lawful development certificate.
14. For the purpose of this appeal, the appellant claims that the 'landholding' exceeds 5 hectares. But what landholding is not clear and there is evidence he has owned land elsewhere. The red line in notice Plan A, defining the Land, is broadly similar to the red line in the appellant's plans³, most notably except for a small sliver angled away further to the west in Plan A. Using the inset scale bar, land within the red line in the appellant's plans is just over 1 hectare. This coincides with 1.16 hectares which the Council says was given for the Land in a previous planning application. Even allowing for the additional sliver of land, there is little evidence that the Land is at least 5 hectares, which is a much larger area. On this basis, the 5 hectares or more limitation of paragraph A of Class A is not met.
15. A May 2025 Defra form includes Business Identifier and County Parish Holding numbers. But the hand written inspection details are hard to read and no transcript was provided. While it relates to animal welfare, it does not appear to say what animals and does not identify by name or address the farm inspected (the Animal Welfare Act 2006 is anyway a separate regulatory regime). A January 2025 equine veterinary practice letter refers generally to animal welfare needs in relation to livestock on Goal Farm, though there is no address. Even if it relates to the Land, no specific details of livestock said to be on the farm or about the farming activity are given. A Livestock Clinic February 2025 letter refers generally to welfare

² APP/Y3615/C/21/3281599 – paragraph 17

³ Drawing numbers L024163-002, L024163-003

facilities for cattle, pigs, horses and sheep but not specifically to any farm or animals on the Land. There is no up-to-date plan or other objective evidence to confirm the extent of any livestock or arable use of the Land, such as an agricultural appraisal by a competent person, including details of trading accounts and to confirm the occupation or employment of the appellant.

16. Albeit a snapshot, this is borne out by my site visit. I saw no livestock, such as sheep, cattle, goats or hens and no apparent use of the stables for livestock. Most of the Land is covered with hard standing and also contains two large mobile homes (at least one occupied) each with a large outbuilding (at least one in ancillary domestic use). The rest was divided into some grass paddocks, one containing a horse. I have not been informed it is a working horse and simply kept on the land, as opposed to an equestrian (recreation or leisure) horse where any grazing is incidental because it is otherwise fed, looked after and returned to a stable overnight. The primary use of the paddocks (and stables) appeared to be equestrian not agricultural, including little to suggest other than that any taking of hay is limited and incidental to maintaining the paddocks or feeding the horse.
17. Consequently, although the definition of agriculture in section 336 of the Act includes the breeding and keeping of livestock (including any creature kept for the production of food), and the use of land as grazing land, there is little evidence that the Land is solely or primarily used for agriculture. Nor that it is used for the purposes of an agricultural trade or business or is occupied as a unit for the purposes of agriculture, including buildings (such as the stables, mobile homes or outbuildings) occupied for the purpose of farming the land – i.e. as any reasonable person would understand this phrase to mean raising livestock or growing crops by a farmer (part 6 permitted development rights apply only to agricultural uses operating as a trade or business, whether profitable or not).
18. Given little evidence of an agricultural unit, or that the works are reasonably necessary for the purposes of agriculture within such a unit, these limitations in paragraph A of Class A are not met. Moreover, there is little to suggest that the works pursued by the notice amounts to the provision of a building, structure or works designed for agricultural purposes under paragraph A.1(d). Furthermore, by virtue of Article 3(5)(a), the GPDO does not grant planning permission retrospectively for unlawful building operations already carried out, including where any necessary prior approval has not already been given.
19. Accordingly, although buildings (stables) and excavation or engineering operations (hard standing, land level changes and tarmac apron) have taken place on this part of the Land, Part 6, Class A permitted development rights do not apply to these works for these reasons alone.
20. **Part 6, Class B** - The Council also considered Schedule 2, Part 6, Class B of the GPDO for agricultural permitted development rights on agricultural land of less than 5 hectares. Even if the stables are for a working horse(s), Class B does not permit the erection of buildings nor land level changes. The hard standing and tarmac apron could amount to the provision of a hard surface under paragraph B.(e). However, and as I saw at the site visit, there is little evidence to counter that part of the hard standing and part of the tarmac apron are within 25 metres of Gole Road. I have not been informed that this busy main road (as I saw) is not a classified highway. On this basis, the hard standing and tarmac apron do not comply with paragraph B.1(c).

21. Notwithstanding this, there is little evidence of an agricultural unit or that the development is reasonably necessary for the purposes of agriculture within the unit, so these limitations in paragraph B of Class B are also not met and the GPDO does not anyway grant planning permission retrospectively.
22. Accordingly, despite that hard standing and a tarmac apron have been formed on this part of the Land, Part 6, Class B permitted development rights do not apply to these works for these reasons alone.
23. **Part 2, Class A** - Amongst other things, Class A permits the erection or construction of a fence or a gate, subject to the limitation in paragraph A.1(a)(ii) that adjacent to a highway used by vehicular traffic it must not exceed 1m in height above ground level.
24. There is no dispute that the post and rail fencing, close boarded fencing and gate are more than 1m in height above ground level. Nor that Gole Road is a highway used by vehicular traffic. The term 'adjacent to a highway' is not defined in the GPDO and is largely a matter of fact and degree in each case. The Oxford English Dictionary defines 'adjacent' as including 'very near something else' and relevant caselaw has established that a fence or gate does not need to abut or touch a highway to be adjacent to it.
25. A short section of each post and rail fence either side of the vehicle entrance turns back at an angle to the road. There is no dispute that the longer front sections, parallel to the road, are no more than 1.5m (or closer) from the metalled part, in a grass verge. Some parts of the close boarded fencing are on this same alignment and much of the rest is set further back by roughly this same distance, along the rear of the verge also parallel to the road. Some parts of the close boarded fencing (along the splay of the tarmac apron) and the gate (which is parallel to the road) are further from this highway. However, the claimed 'over 10m' dimension shown in the appellant's plans includes part of Gole Road beyond the verge. There are no built structures above ground level between any of the fencing or the gate and the road. Planting, such as that which has been established in front of or between some of the fencing, is generally not regarded as a permanent intervening feature.
26. The post and rail and the close boarded fencing are of the same respective designs and materials with comparable weathering and much of the gate is not dissimilar. I have not been informed that these structures were erected or constructed at different times. These means of enclosure clearly define the boundary of the Land and distinguish it from this part of Gole Road, including that the wide, deep, open splayed tarmac apron runs seamlessly up to the metalled edge of the road and is perceived as part of the road corridor rather than part of the Land.
27. Consequently, although the fencing and gate do not abut or touch Gole Road and is in places set further back from it, substantial parts of these structures are sufficiently close (very near) to this highway that they are adjacent to it. Given that these parts exceed 1m in height above ground level and that the fencing and gate were likely carried out as a single composite act of development, they do not as a whole comply with the limitations in paragraph A.1(a)(ii).
28. Accordingly, Part 2, Class A permitted development rights do not apply.

Conclusion on ground (c)

29. The appellant has not demonstrated, on the balance of probability, that the works pursued by the notice are permitted development and granted planning permission by Article 3(1) and Schedule 2, Part 6, Class A or B or by Schedule 2, Part 2, Class A of the GPDO. I have not been informed that express planning permission has been granted for any of the works. As a result, Ground (c) fails.

Ground (f)

30. For ground (f) to succeed, the appellant must demonstrate that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy the breach of planning control.
31. I acknowledge that planning enforcement should be remedial, not punitive, but while the reasons for issuing the notice refer to some amenity considerations, these set out why the Council considered it was expedient to take enforcement action. Taken with the requirements of the notice, it is clear that the purpose of the notice is to remedy the breach of planning control (the operational development) under section 171A(1) of the Act. Sections 173(3), (4)(a) and (5) provide that the steps required to be taken can include restoring land to its condition before the breach took place by the removal of any building or works. The requirements of the notice are integral to achieving this outcome and the Council does not seek to under-enforce.
32. Given the outcome of Ground (c), the operational development pursued by the notice is not lawful, including no permitted development fallback. In the absence of ground (a), planning merits and conditions are not relevant to ground (f) in this appeal. Whether the appellant could exercise permitted development rights for future development on the Land, including a suitable stable or field shelter for the horse, is a separate matter for the parties. No specific scheme or plans for any obvious alternative has been put forward, including to reduce the height of the fencing or gate and demonstrate that this would be possible or simple to do. No other lesser steps were suggested.
33. In these circumstances, the steps required by the enforcement notice to be taken are consistent with remedying the breach of planning control so are necessary, proportionate and not excessive. For these reasons ground (f) fails.

Ground (g)

34. For ground (g) to succeed, the appellant must demonstrate that the 4 month period specified in the notice to take the steps required by it falls short of what should be reasonably allowed.
35. It is not clear how quickly the operational development pursued by the notice was established on the Land. But given the outcome of Ground (c), there is no apparent livestock on the Land to be rehoused or agricultural infrastructure to be replaced. Nor any apparent agricultural use or operations that are dependent on seasonal or weather considerations.
36. That said, the works are quite extensive and not likely easily or quickly removed or the Land then restored and reseeded, including that some sort of fencing and gate(s) are reasonably necessary to secure the boundary of this part of the Land. In light of this, I consider that the 4 month period in the notice is not enough time to

achieve the requirements. While the Council has discretion under section 173A(1)(b) of the Act to extend the period for compliance, this would be a matter for the relevant parties, whereas the period in the notice must be sufficient to begin with in relation to the requirements. As I also understand it, the Council has had discussions with the new owners of the Land, including a planning application(s) already made or imminent. While that is also a matter for the relevant parties, some additional time would help to facilitate this.

37. Despite that the Council did not comment on the 9 month period sought by the appellant there is little evidence to justify it. This would otherwise unduly perpetuate harm to the Green Belt, to the character and appearance of the area and to highway safety as set out in the Council's reasons for issuing the notice.
38. Consequently, a period of 6 months for compliance with the requirements of the notice would be reasonable and proportionate in this case. I will vary the notice to this effect. The 4 month period given by the notice therefore falls short of what is reasonable so ground (g) succeeds.

Other Matters

39. Whether it was expedient for the Council to take enforcement action is a matter for the Council. Some interested parties commented on issues that have little or no bearing on the enforcement notice or the grounds of appeal so are not relevant to my decision.

Overall Conclusion

40. Ground (c) fails but ground (g) succeeds, so the appeal succeeds to this extent.

Formal Decision

41. It is directed that the enforcement notice is varied as follows:

- Section 6 – delete '*4 months*' as the period for compliance and replace with '*6 months*'.

42. Subject to this variation, the appeal is dismissed and the enforcement notice is upheld.

Robin Buchanan
INSPECTOR