



Appeal Decision

Site visit made on 29 July 2026

by Thomas Shields DipURP MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th September 2026

Appeal Ref: APP/Y3615/C/25/3375927

Land east side of Alms Heath, Ockham, Woking, GU23 6NZ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Sydney Willett against an enforcement notice issued by Guildford Borough Council.
 - The notice was issued on 6 November 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 fencing, cesspit/septic tanks and the laying of material to create a hard surface.
 - The requirements of the notice are:
 - (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 fencing, materials laid on the Land to create a hard surface 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.
 - (v) Remove from the Land any material or waste resulting from compliance with the above steps.
 - (vi) Restore the Land to its previous condition, and re-seed the Land with grass seed.
 - The period for compliance with the requirements is 6 months.
 - The appeal is proceeding on the ground set out in section 174(2)(b) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. The appeal is dismissed and the enforcement notice is upheld.

Reasons

Appeal on ground (b)

2. An appeal on ground (b) contends that the matters stated in the notice which may give rise to the breach of planning control have not occurred as a matter of fact.
3. The burden of proof in a ground (b) appeal falls to the appellant, and the test of the evidence is on the balance of probability. The appellant must therefore demonstrate that the matters alleged in the notice, as set out in the 4th bullet of the banner heading above, had not occurred on or before the date on which the notice was issued, being 6 November 2025.
4. The appellant's case is that the red line on the plan attached to the notice, which demarcates the land affected by the notice, has been drawn too widely such that it includes separate land in his ownership where the alleged matters have not occurred.

5. The appellant's evidence comprises a copy of a plan said to indicate the appellant's separate land ownership outlined in red, a letter¹ relating to the property *Limerick H Land at Alms Heath, Ockham GU23 6PA*, and what appears to be an incomplete Transfer of part of registered title(s) (TP1) form. It includes section 13 and parts of section 12 of the form, but no part of the TP1 form refers to an address. Moreover, no part of the documentation or plan is dated. The 10 December 2024 letter gives notice of varying a completion date to the 10 February 2025. However, neither the letter nor the related TP1 documentation directly references or otherwise links to the submitted plan.
6. Moreover, there is no evidence beyond these documents to confirm separate ownership and use of the land by the appellant after February 2025 or, critically, at the date the notice was issued (6 November 2025). The Council's aerial imagery² dated June 2025 shows the appellant's land at that time as being a unified and integral element of the whole parcel of land subject of the enforcement notice.
7. During my visit to the appeal site I saw that the land in the appellant's submitted plan was separated from the adjoining land (and its occupation by residential caravans) by a tall close boarded fence. However, there is no evidence before me as to when the fence was erected.
8. Overall, there is a paucity of evidence from the appellant. On the balance of probability it fails to show that at the date the enforcement notice was issued the land identified by the appellant was not part of the relevant planning unit in which the use as a residential caravan site had occurred.
9. The appeal on ground (b) therefore fails.

Thomas Shields

INSPECTOR

¹ Letter dated 10 December 2024 from Berkeley Rowe (acting on behalf of UK Real Estate and Land Ltd) that relates to a contract between (1) UK real Estate and Land Ltd and (2) Sydney Emmanuel Willett.

² Council's Statement of Case, 5.8, figure 2