



Appeal Decisions

Site visit made on 13 July 2026

by Thomas Shields DipURP, MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st September 2026

Appeal Refs: APP/Y3615/C/25/3376621, 22, 23, 24, 25, 27, 28, 29, 30, 31.

Land on the East side of Alms Heath, Ockham, Woking, Surrey, GU23 6NZ

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended) (“the Act”).
 - The appeals are made by Mr John Donohue (3376621), Mrs Amy Knight (3376622), Ms Margaret Cawley (3376623), Mrs Anne Maureen Doherty (3376624), Mrs Mary Moran (3376625), Mrs Michelle McCarthy (3376627), Mr James Moran (3376628), Mr Danny Smith (3376629), Mr James McCarthy (3376630), Mr Elliot Knight (3376631), 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 grounds set out in section 174(2)(f) and (g) of the Act.
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Decision

1. It is directed that the notice be varied in Section 6 by substituting 6 months for 10 months.
2. Subject to the variation the appeals are dismissed and the enforcement notice is upheld.

Appeal on ground (f)

3. It is argued for the appellants that the plan attached to the notice includes land outside of their control and has provided a copy of a location plan from a related planning application (25/P/01459) which it is said is the correct extent of control. Although this argument properly falls under ground (b), which has not been appealed, the Council have commented upon it and so there would be no injustice in me also dealing with it here.
4. I am unclear as to what is meant by “control” in the context it is given on behalf of the appellants. However, s172(2) requires that copies of an enforcement notice

shall be served on the owners and occupiers of the land to which it relates, and on any other person having an interest in the land, being an interest which, in the opinion of the authority, is materially affected by the notice.

5. The Council's evidence is that at the date the notice was issued, 6 November 2025, the land appeared on the ground to be in a single unified unit as shown outlined in red on the enforcement notice plan, and as shown on satellite imagery dated June 2025, and with Land Registry documents not revealing any confirmed separate ownerships or occupiers.
6. The application location plan submitted on behalf of the appellants is not proof by itself that any of the land inside the red line of the notice plan was not owned or occupied by the appellants at the date the notice was issued, and no other form of contradictory evidence has been provided. Consequently, I find no fault in the Council's issuing or serving copies of the notice on the basis of the red line plan attached to the enforcement notice.
7. The above notwithstanding, none of the appellants can be held responsible for an offence of non-compliance with an enforcement notice if they no longer occupy or otherwise have any control or interest in land affected by an enforcement notice.
8. Turning to whether the requirements are excessive, there are two purposes the requirements of an enforcement notice can seek to achieve. The first is to remedy the breach of planning control which has occurred, s173(4)(a), the second is to remedy any injury to amenity which has been caused by the breach, s173(4)(b). Hence, an appeal on ground (f) is a claim that the requirements of the notice exceed what is necessary to remedy the breach of planning control, or, as the case may be, to remedy any harm to amenity resulting from the breach.
9. The notice requires the residential use to completely cease, removal of operational development carried out, and the return of the land to the condition that existed prior to the breach taking place. It is clear therefore that the purpose of the notice is to fully remedy the breach of planning control.
10. Since the notice requirements go no further than requiring the use to cease and restoration of the land to its former condition prior to the breach occurring, the requirements clearly do not exceed the purpose of remedying the breach. Any lesser steps would not fully remedy the breach.
11. Consequently, the appeal on ground (f) must fail.

Appeal on ground (g)

12. The ground of appeal is that the period of time for compliance with the enforcement notice requirements falls short of what should reasonably be allowed. The notice requires compliance within 6 months. The appellant seeks a period of 18 months.
13. The Council does not dispute the appellants' case of there being a shortfall in the supply of pitches to meet the locally identified need for pitches in the area, or of a wider unmet need in Surrey. The difficulty in securing alternative accommodation against this background will be compounded by the fact that there are six families on site, all of whom will simultaneously need to find alternative pitches where they can live lawfully.

14. I also take account of the social, health and well-being and educational needs of the adults and children on the site as detailed in the written submissions¹ on behalf of the appellants' personal circumstances.
15. Having regard to these personal circumstances I am mindful that Article 8 of the Human Rights Act 1998 provides a right to respect for home and private and family life. This is a qualified right where interference may be justified in the public interest, which includes the protection of the environment and upholding planning policies, but the concept of proportionality is central to such consideration. Since there is no appeal on ground (a) seeking planning permission this only relates here to the reasonableness of the period of time for complying with the notice requirements. In the same context I am also mindful that Article 3(1) of the United Nations Convention on the Rights of the Child provides that the best interests of the child is a primary consideration.
16. I have also had due regard to my responsibility under the Public Sector Equality Duty contained in the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, to advance equality of opportunity and to foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
17. The appellant has referred to other appeal decisions at different locations. However, each case, particularly in respect of personal circumstances, must be considered on its own particular merits, as I do so here.
18. In taking account of all these factors in support of extending the period for compliance I am mindful that they must be balanced against the need to remedy the breach of planning control as soon as possible in the wider public interest. In my view 18 months is wholly unjustified. Moreover, anything more than 11 months would be a period of time akin to a temporary planning permission. On balance I consider a period 10 months would be more reasonable and hence the appeal on ground (g) succeeds to this extent.

Note to parties

19. The parties may wish to note that in the event that any planning permission is granted for all or part of the land following this Decision, s180(1) of the Act provides that the enforcement notice shall cease to have effect so far as it is inconsistent with that permission.

Thomas Shields

INSPECTOR

¹ Appellants Personal Circumstances Statement, October 2025