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## Appeal Decision

Hearing held on 7 October 2026

Site visits made on 6 & 7 October 2026

by **D Hartley BA (Hons) MTP MBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 October 2026

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**Appeal A Reference: 6007528**

**Appeal B Reference: APP/Q360/C/26/3378616**

**Appeal C Reference: APP/Q360/C/26/3378617**

**Appeal D Reference: APP/Q360/C/26/3378618**

**Land known as Land to the west of 203-221 New Haw Road, Addlestone, Surrey, KT15 2DP**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) (the Act).
  - Appeal A is made by Malachi Cash, Appeal B is made by Emma Clare Lane, Appeal C is made by Jessica Sarah Olivia Lane and Appeal D is made by Johanna Lane against an enforcement notice issued by Runnymede Borough Council.
  - The notice was issued on 25 March 2026.
  - The breach of planning control as alleged in the notice is without planning permission, the material change of use of the Land for the siting of mobile homes and touring caravans for a residential caravan site, and associated vehicles and paraphernalia, and, the laying of a hardstanding surface and the erection of fencing with a height measuring over two (2) metres from ground level.
  - The requirements of the notice are to 1) cease the use of the Land as a residential caravan site, 2) remove from the Land all mobile homes, touring caravans and any associated vehicles and residential paraphernalia, 3) remove from the land the hardstanding surface and restore to grassland, 4) lower all fencing around the site to a height of two (2) metres or less (from ground level), 5) remove all waste and hardcore material from the Land, and 6) restore the Land to its condition before the development took place.
  - The period for compliance with the requirements is twelve months from the date on which the notice takes effect.
  - Appeal A is proceeding on the ground set out in section 174(2) (g) of the Town and Country Planning Act 1990 (as amended), and Appeals B, C and D are proceeding on the grounds set out in section 174(2) (b) and (e) of the Town and Country Planning Act 1990 (as amended).
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### Decisions

1. It is directed that the enforcement notice is varied by (i) the substitution of the plan annexed to this decision for the plan attached to the enforcement notice, (ii) the deletion of the words *"Remove from Land the hardstanding surface and restore to grassland"* in section 5.3 and their substitution with the words *"Remove from the Land the hardstanding surface"*, and iii) the deletion of the words *"The enforcement notice has a compliance period of twelve (12) months from the date on which it takes effect"* in section 6 and their substitution with the words *"The enforcement notice has a compliance period of twelve months from the date on which it takes effect for requirements 5.1, 5.2 and 5.4, and a compliance period of fifteen months from the date this notice takes effect for requirements 5.3, 5.5 and 5.6"*. Subject to the variations, the appeals are dismissed and the enforcement notice is upheld.

## Preliminary Matter

2. I am also considering another appeal<sup>1</sup> relating to the same land, which is made under section 78 of the Act.

## The Notice

3. There was agreement between the appellant (Appeal A) and the Council at the hearing that there may have been at least some hardstanding beneath grassland prior to the new hardstanding being formed. In this context, it was agreed that requirement 5.3 of the notice could be varied without injustice being caused by deleting all words and replacing them with '*Remove from the Land the hardstanding surface*'. I shall accordingly vary requirement 5.3 of the notice and in doing so no injustice would be caused to any of the main parties.
4. There was discussion at the hearing about requirement 5.6 of the notice and whether it reflected the precise wording in section 173(4)(a) of the Act. I am satisfied that the wording does reflect the wording in section 173(4)(a) of the Act and so it is not necessary to vary it.

## Ground (e) appeals

5. An appeal on ground (e) is made on the basis that copies of the notice were not properly served on everyone with an interest in the land as required by section 172 of the Act. Section 172(2) of the Act provides that a copy of an enforcement notice shall be served on the owner and occupier of the land to which it relates, and any other person having an interest in the land, including mortgagees, tenants, and sub-tenants, being an interest which, in the opinion of the local planning authority, is materially affected.
6. The appellant's ground (e) claim is that a registered proprietor of the 'southern land' was not served with a copy of the notice in accordance with the requirements of section 172 of the Act. The evidence in the form of title deeds does seem to show that a small proportion of the land outside the Traveller site does fall within red edged site plan appended to the notice (i.e., the Land to which the notice relates).
7. While the appellants acknowledge that no injustice has been caused to them given the inclusion of the 'southern land', it is the case that that the proprietor of such southern land could be substantially prejudiced as a result of not being served with a notice and hence not being able to appeal or make representations in respect to the issued notice. In particular, there may be implications if the notice was upheld and possible criminal implications if the requirements of the notice were not complied with.
8. In this case, the breach of planning control relates to the material change of use of Land and the laying of a hardstanding. Neither of these matters relate to either the access road (see ground (b) appeal reasoning below) or the small parcel of 'southern land'. There is common ground between the main parties that injustice would not be caused to any of the main parties if the red edged plan (i.e., the land to which the notice relates) were to be amended so that it did not include the 'southern land' or indeed the access leading to/from the Traveller site. I am satisfied that no other party with an interest in the red edged land would suffer

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<sup>1</sup> Appeal reference number 6006766

injustice or substantial prejudice if such land was removed from the land to which the notice relates.

9. I shall therefore vary/correct the red edged plan appended to the notice and, in doing so, no substantial prejudice would be caused to the proprietor of the 'southern land'. This is because such land would no longer form part of the Land related to the notice. I conclude that the ground (e) appeals succeed, but subject to a variation of the red edged plan appended to the notice the notice is not quashed.

### **Ground (b) appeals**

10. An appeal made on ground (b) is that the matters comprising the alleged breach of planning control have not occurred. The onus is on the appellant to make a case on the legal grounds of appeal.
11. The claim made by the appellants is that it is not necessary to include the access from New Haw Road and to the residential part of the land as that does not relate specifically to the material change of use and hardstanding as alleged in the notice. While it is the case that such red edged land was included as part of the planning application submission for the same development, it is not strictly necessary to always include an access leading to unauthorised development in respect of the completion of an enforcement notice. This is particularly the case when the substance of the notice (i.e., material change of use and/or operational development) does not in fact relate to such an access.
12. The above is relevant in so far that the appellant's ground (b) claim is that the breach of planning control refers at section 3.2 to *'the laying of a hardstanding surface'* and requirement 5.3 of the notice states *'remove from the Land the hardstanding surface and restore to grassland'*. The Council has confirmed that it was not its intention to require the access to be removed and to be restored to grassland. The undisputed evidence is that the access in the form of a hardstanding surface has been in place for many years and is lawful.
13. The appellants do not dispute that a new hardstanding surface has been formed within the red edged land on the plan appended to the notice. However, the evidence is that such a hardstanding surface was formed within the enclosed part of the site which is specifically being used for residential purposes. In this regard, I conclude that the evidence does demonstrate that the full extent of the breach of planning control as outlined in section 3 of the notice has occurred within the enclosed part of the land falling within the red edged land on the plan appended to the notice.
14. Moreover, while it is the case that a material change of use of the access land has not occurred, such land is nonetheless being functionally used in association with the unauthorised primary use of the land as a residential caravan site. I find that it is functionally and physically connected. It is being used for ancillary or incidental vehicular and pedestrian activity purposes in association with the unauthorised primary use of the land for residential caravan purposes and, accordingly, is part and parcel of the planning unit. I therefore conclude that when the notice was issued, the breach of planning control had occurred. In this regard, the ground (b) appeals fail.

15. Notwithstanding the above conclusion, there is common ground between the main parties that the hardstanding surface which is referred to in both the breach of planning control and requirement 5.2 of the notice relates only to the land which is being used for residential caravan use purposes. The Council has confirmed that it was not its intention for the hardstanding surface to include the access from New Haw Road.
16. It is necessary that a notice precisely tells the recipient what they have done wrong and what they must do to rectify matters. While the access forms part of the unauthorised planning unit, in this case it is not strictly necessary for it to be included within the red edged land on the plan appended to the notice. I appreciate that this is matter which is of relevance when validating planning applications, but this appeal relates to an enforcement notice and there is no ground (a) appeal and deemed planning application. In respect of the notice, which is the subject of this appeal, it is enough that the land identifies the primary use of the land as a residential caravan site, as well as the relevant hardstanding and fencing. It was confirmed at the hearing that the fencing related only to that surrounding the Traveller site and not that which is positioned either side of the access track.
17. Given the above, I shall therefore amend the plan so that it does not include the access from New Haw Road. Given my reasoning as part of the ground (e) appeals, such a plan also omits the 'Southern land' part of the appeal site. Such a plan has been prepared by the Council and has been agreed by the appellants. It continues to include land containing the unauthorised fencing which at the hearing was confirmed as that which in part was enclosing the unauthorised Traveller site. I am satisfied that such a variation to the plan appended to the notice would not cause injustice to the main parties, or indeed to any other interested party. This was ultimately the agreed position of all the main parties in attendance at the hearing.

### **Ground (g) appeal**

18. The appeal on ground (g) is made on the basis that the period specified in the notice in accordance with section 173(9) of the Act falls short of what should reasonably be allowed.
19. There is no dispute between the parties that the occupiers of the site are Travellers as per the definition in annex 1 of the now cancelled Planning Policy for Traveller Sites 2024. I have no reason to disagree with this common ground position, and the definition is still relevant as it reflects case law. The evidence is that the four pitches are occupied as following and including some identified personal circumstances:
  - Pitch 1 is occupied by two adults and five children. Three of the children attend a primary school in the local area. One child has a medical condition which requires ongoing monitoring and treatment through the General Practitioner.
  - Pitch 2 is occupied by two adults and two children. One child attends a local nursery. The two children have medical conditions which requires one to attend hospital appointments.
  - Pitch 3 is occupied by one adult.

- Pitch 4 is occupied by one adult.
20. At the hearing, the appellant provided a further update regarding the personal circumstances of the occupiers of the site. This included a recent health condition for a female adult that lives on the site, the need for check-up appointments for a heart condition for one child that lives on the site, and a scheduled eye operation about two miles away on 16 October 2026 for another child that lives on the site.
  21. The appellant's claim under the ground (g) appeal is that a compliance period of twenty four months is needed as, firstly, there are no suitable alternative sites/pitches available for the occupiers of the site owing to a failure of policy, secondly, the site enables occupiers to have a settled base which is advantageous in terms of the children's education, social development, and well-being, and, thirdly a settled base enables continuity of medical appointments for those children who have identified health conditions.
  22. As the occupiers of the site are Travellers, I have had regard to Article 8 of the European Convention on Human Rights, as incorporated into the Human Rights Act 1998 (HRA), which states that everyone has a right to respect for private and family life, their home and correspondence. This is a qualified right, whereby interference may be justified in the public interest, but the concept of proportionality is crucial.
  23. Race constitutes a relevant protected characteristic for the purposes of the Public Sector Equality Duty (PSED). Romany Gypsies and Irish Travellers are ethnic minorities and thus have the protected characteristic of race. In this regard, I am mindful that use of the land for a longer period as a residential caravan site would enable the occupiers of the land to live a nomadic lifestyle in accordance with their culture and values.
  24. The Council published a new Gypsy and Traveller Accommodation Assessment in September 2026 (GTAA). This post-dates the Council's refusal of planning permission. The main parties have provided comments about it as part of this appeal. The GTAA indicates that the need figure up to 2030/31 is 90 pitches (or 92 pitches where undetermined need is considered).
  25. Based on the current planning permissions for Traveller pitches and the most up to date objectively assessed need position, the Council states that it cannot demonstrate a 5.0-year supply of Traveller pitches. It states that it can demonstrate a 1.67-year supply of Traveller pitches. The evidence is that the GTAA took full account of future household formation. Moreover, the GTAA fieldwork received a good response rate of 95.1%.
  26. While I acknowledge that the Council is not able to demonstrate a five year supply of Traveller sites, that there are currently no suitable alternative sites/pitches available for occupiers of the site, and that the site offers a stable base for all occupants including the children some of which attend a local primary school/nursery and attend hospital and General Practitioner appointments, these matters need to be weighed against the planning harm that is outlined in the reasons for issuing the notice.
  27. In respect of the planning harm outlined in the notice, this should be conclusively presumed in the absence of a ground (a) appeal and a deemed planning application. Notwithstanding that position, it is acknowledged that I have

separately determined an appeal made under section 78 of the Act and hence have essentially considered the planning merits of the development which is the subject of this appeal. Even if the harm caused to the integrity of the Thames Basin Heaths Special Protection Area was capable of being mitigated with reference to the completion of a planning obligation (it is noteworthy however that such a planning obligation is not before me in respect of this appeal and there is no ground (a) appeal), there is a risk of unacceptable harm being caused to highway safety and the free flow of traffic on New Haw Road arising from the use of the site as a four pitch Traveller site. These concerns are outlined in detail in the separate section 78 appeal decision.

28. In this case, I am mindful that while there is currently no evidence that there are any alternative available pitches/sites for occupiers of the site, it is noteworthy that policy SL22 of the Runnymede 2030 Local Plan 2020 permits windfall Traveller sites in the area. There is no precise or compelling evidence before me to indicate that it would not be possible to find an alternative policy compliant site elsewhere in the area within twelve months, including obtaining the necessary planning permission and putting in place the required infrastructure, to enable occupation by all that reside on the appeal site. Such a process need not therefore mean that the family had to resort to a roadside existence if the notice was upheld, or indeed that the children would necessarily have to go to a different school/nursery, or that hospital/GP appointments would be materially interrupted.
29. Notwithstanding the above, I acknowledge that some of the children do attend hospital and GP appointments, and hence I can understand that the appeal site does currently provide convenience and stability in terms of these health/disability matters. In reaching this decision, I have considered the oral evidence at the hearing relating to a recent health condition for a female adult that lives on the site, the need for check-up appointments for a heart condition for one child that lives on the site, and a scheduled eye operation on 16 October 2026 for another child that lives on the site.
30. Moreover, I am aware that some of the children on the appeal site are enrolled in the local primary school and a nursery. Therefore, I find that living on the appeal site provides some stability from an education and social development from of view. However, and as detailed above, I find that a compliance period of twelve months strikes a reasonable and proportionate balance between the best interests of the children, the personal circumstances of the occupiers of the site, and bringing the harmful unauthorised development to an end in the public interest.
31. Given the above, I do not consider that more than twelve months residential occupation of the site would be justified given the highway safety risks that I have identified. Such risks apply to those children who occupy the site who would undoubtedly be transported in vehicles up and down the access road and from New Haw Road. The best interests of the children need to be considered from this point of view as well.
32. In reaching the above conclusion, I am mindful that the appellant considers that the requirements of the notice should include separate timescales for ceasing the residential use (including removal of the caravans and domestic paraphernalia etc) and the removal of the operational development. In terms of the removal of the hardstanding area only, I agree with the appellant that this can only really occur when the land ceases to be used for residential purposes. In this regard, I find that

a compliance period of fifteen months would be reasonable and proportionate for the removal of the hardstanding area and to restore the land to its condition prior to the breach of planning control occurring. I do not find that fifteen months is needed in respect of the requirement to lower the fencing around the site to a height of two metres or less. That is because such work could reasonably be carried out in conjunction with the occupation of the site for residential purposes.

33. When all of the above matters are considered in the round, I conclude that the notice should be varied so that fifteen months instead of twelve months is permitted for the removal of the hardstanding area, the removal of waste and hardcore and to restore the land to its condition before the development took place. In respect of all other requirements, a compliance period of twelve months strikes a proportionate and reasonable balance between bringing the harmful unauthorised development to an end in the public interest, while also considering the rights of the occupiers of the site under Article 8 of the HRA (including the loss of homes), the PSED, the personal circumstances of the occupiers of the site, and the best interests of the children. I do not therefore agree with the Council that a staged approach to the compliance period adds '*unnecessary complexity*'. On the contrary, I find that it is necessary and not complex.
34. To the extent that the compliance period is varied, I conclude that the ground (g) appeal succeeds.

## **Overall Conclusions**

### **Appeal A**

35. For the reasons given above, I conclude that the period for compliance with the notice falls short of what is reasonable. I shall vary the enforcement notice prior to upholding it. The appeal on ground (g) succeeds to that extent.

### **Appeals B, C and D**

36. For the reasons given above, I conclude that the appeals should not succeed. I shall uphold the enforcement notice with variations.

*D Hartley*

INSPECTOR



The Planning Inspectorate

## Substitute Plan

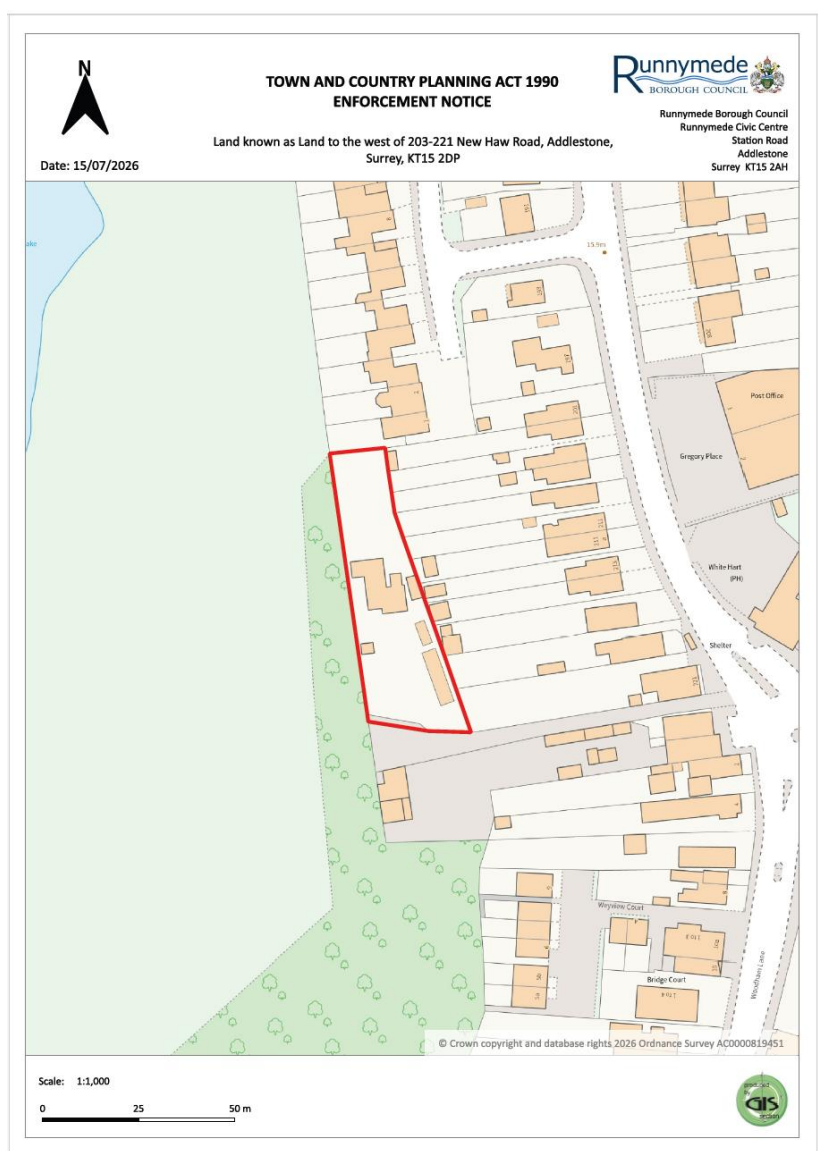
This is the plan referred to in my decision dated: 12 October 2026

by **D Hartley BA (Hons) MTP MBA MRTPI**

**Land at: Land to the west of 203-221 New Haw Road, Addlestone, Surrey, KT15 2DP**

**Appeal references: 6007528, APP/Q360/C/26/3378616, APP/Q360/C/26/3378617 and APP/Q360/C/26/3378618**

Scale: Do not scale



## **APPEARANCES**

### **FOR THE APPELLANTS:**

#### *Appeal A*

Mike Carr MSc (Env Plan) MRTPI, Managing Director MAT Design Limited

Alan Masters, Counsel

#### *Appeals B, C and D*

Scott Stemp, Counsel

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

Tom Coleman Fry, Assistant Development Manager - Runneymede Borough Council

### **OTHER INTERESTED PARTIES:**

None

### **DOCUMENTS SUBMITTED AT THE HEARING**

None