

Waverley Borough Council

Proof of Evidence of Christopher Ward BA(hons), LLM, MRTPI

Relating to two S78 Appeals

i)Appeal Ref AP/R3650/W/25//3367393

In relation to Appeal by Mr Barney Doherty for Pitch 1,
the non-determination of application WA/2025/00495

ii)Appeal Ref AP/R3650/W/25//3366387

In relation to Appeal by Mr Levi Williams for Pitch 2,
the non-determination of application WA/2025/00578

**Both Appeals to be considered at a Public Inquiry
opening of 10th March 2026**

Both sites are on Land north of Lydia Park, (west of) Stovolds Hill,
Cranleigh, GU6 8LE

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- CW4A Plan showing the approximate layout of the pitches granted planning
permission to the south of the access track.
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including reference numbers.

The documents above have already been submitted

Additional Appendices are listed below and provided with this Proof

- WBC 8 Historic photos of Pitch 1 June 2021 – April 2025**
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CONFIDENTIAL

WBC-18 *Summary of personal needs for pitch 1*

WBC 19 *Summary of personal needs for pitch 2.*

1. **INTRODUCTION**

- 1.1 This is the Proof of Evidence for Christoher Ward. I am a member of the Royal Town Planning Institute and have a degree in Town and Country Planning from the then Trent Polytechnic (now university). I also have a Master of Laws in Environmental Law.
- 1.2 I have been employed as a planner for over 45 years, for the first 20 of which I worked for Local Authorities, and since 2000 as a Planning Consultant at BJC Planning. When in local government I headed a team of enforcement officers and also dealt with major applications.
- 1.3 Since moving to private practice I now provide planning advice to a range of clients, including some local authorities, submit applications for a variety of developments and also deal with appeals when required. My work for local authorities includes some gypsy appeals, and travelling showmen.
- 1.4 I have been instructed by the Waverley Borough Council (the LPA) to provide expert planning evidence on their behalf in connection with these four planning appeals, which are to be heard at an inquiry. I have visited the four sites and their immediate surroundings, and also various locations in the wider area.
- 1.5. Although I act on behalf of Waverley Borough Council (WBA), I understand my professional duty is to assist the Inspector by providing evidence, which is true and has been prepared and is given in accordance with guidance produced by the Royal Town Planning Institute. In this regard, I can confirm that the opinions expressed are my true and professional opinions.

Scope of Evidence

- 1.6 There are two appeals that are being considered together.

i) an appeal by **Mr B. Doherty** relating to **Pitch 1**, Land west of Stovolds Hill, seeking planning permission for “Change of use of land to provide 1 gypsy pitch comprising 1 mobile home and 1 touring caravan; erection of 1 day room with associated parking hardstanding”

ii) an appeal by **Mr Levi Williams** relating to **Pitch 2**, Land North of Lydia Park, seeking planning permission for “Change of use of land for stationing of 2 mobile homes and 1 touring caravan with associated parking, hardstanding (retrospective).”

1.7 Although one site is described as land west of Stovolds Hill and the other as land north of Lydia Park, it should be noted that the sites adjoin and are both located to the north of an access track that extends westwards from Stovolds Hill. Hence both descriptions could apply to each site. The access track has more recently been referred to as ‘Crocus Drive’ but for the sake of consistency with earlier appeals I will continue to refer to this as the access track.

1.8 This Proof follows on from a Statement of Case submitted in September 2025, which provides an outline of the key issues relevant to the appeals and which identifies in paragraph 1.11 five main reasons (a-e) for which each of the development proposed is unacceptable. More specifically the Local Planning Authority confirmed by e mail dated the ????, that the applications would have been refused for the same reasons as set out in the two enforcement notices, each as relevant to one of the appeal sites. These main issues are set out in the Note provided by the Inspector for the Case Management Conference on the 7th January 2026 (para 25).

“- the main issues in the appeals are likely to be:

- 1) The suitability of the location to accommodate the development;**
- 2) The effect of the development on the character and appearance of the surrounding countryside (national landscape and area of great landscape value designations);**
- 3) The effect of the development on biodiversity, with regards to the loss of habitat and impact on protected species (Council to clarify each of these points);**
- 4) The effect of the development with regards to drainage and flooding; and**
- 5) Whether any other considerations would outweigh any identified harm and/or policy conflict (including, but not limited to, need for and supply of sites, personal circumstances, specific issues re Lydia Park more**

widely, intentional unauthorised development, personal and temporary planning permission).”

- 1.9 My evidence refers to information from and assessments made by officers of the Council, but any views expressed on the reasons for refusal, or on the evidence provided by the appellants are my own professional opinion unless expressed otherwise. I conclude that planning permission should be refused. I also conclude that it would not be appropriate to grant a temporary planning permission.
- 1.10 My evidence should be considered alongside that of:-
- Mr Steve Jarman, who provides evidence in relation to the general need for Gypsy and Traveller sites
 - Mr Ian Dudley who provides evidence in relation to landscape matters
 - Mr Nick Sibbett who provides evidence in relation to Ecology
 - Mr Mark Smyth of SMA who provides evidence in relation to flooding and drainage.
- 1.11 My evidence refers to the details provided by these other witnesses and takes this into consideration in my overall assessment of the merits of the 2 appeals. Consequently, I will refer to extracts from these various proofs as and when appropriate.
- 1.12 Given the similarities relating to each appeal, in terms of the location and policy context, most of my evidence refers to the 2 sites collectively, with specific reference to individual sites where relevant.
- 1.13 In particular, section 10 of this evidence considers the merits of each appeal, and the overall balancing exercise necessary before considering whether or not planning permission should be granted. In forming these views, I have had regard to the personal circumstances and needs of the 2 appellants (and families) as set out in the application and appeal documents and considered the merits of each appeal separately.
- 1.14 I have visited the area around the 2 sites on several occasions in 2024 and 2025, in the context of the earlier appeals, and the appeal sites themselves on the 2nd February 2026 have also looked at the general area around the appeal sites, and

various viewpoints, both on these dates and others. The photos attached to or referred to in this Evidence were taken by myself, unless identified otherwise.

- 1.15 The appeals for both pitches 1 and 2 are to be considered at a Public Inquiry starting on the 10th March 2026. Although these were originally scheduled to follow after the Inquiry into the appeals for Sites A, B, C, and D, the latter has now been adjourned again.. The appeal procedure for dealing with the Enforcement Appeals has yet to be determined.
- 1.16 The area to the south of the access road includes a very large number of sites that include pitches for gypsies and travellers, some of which are historic sites but a large number of which have been granted planning permission in the last 8 years. It has been agreed at earlier appeals that this general area of development south of the track will be referred to as 'Lydia Park' so I adopt that same protocol within this evidence.
- 1.17 It is apparent from a site visit on the 2nd February 2026 that both pitches are laid out and being used in a manner that is significantly different from the details shown on the application plans. Hence this evidence will refer to what currently exists, but comment additionally on the differences as proposed in the two applications.

2.0 THE APPEAL SITE AND SURROUNDINGS

- 2.1 A general description of the two appeal sites, and of the wider area is included in paragraphs 2.1- 2.16 of the Statement of Case. Additional details are included in 2.2 – 2.10 below.
- 2.2 Para 2.8 of the SoC refers to the ditch/stream being clearly evident to the east of the site. For clarity, this stream is also clearly evident to the west of Lydia Park from where it exits the pond(s) to the west (within the grounds of Thatched House Farm).
- 2.3 The photos attached to the SoC as WBC 4 are described in the SoC as showing pitch 1. This is incorrect as only the final photo shows pitch 1, the first three show pitch 2. For clarity the photos in WBC 5 are identified correctly as showing pitch 2 in March 2025.
- 2.4 An updated set of photos are attached to this proof showing both pitches on various dates. These are appendix WBC ??? for pitch 1 and WBC ?? for pitch 2.
- 2.5 The details below describe the two sites as seen on the 2nd February 2026. For clarification, pitch 1 included 1 medium sized mobile home at the time of my visit (2nd February) and pitch 2 two medium sized mobile homes.

Pitch 1

- 2.6 On the 2nd February activity on site differed significantly from that on previous visits by officers. Details are shown in the photos in Appendix WBC 10. Appendices 8 and 9 show images of the site at earlier dates. On the 2nd February the site was enclosed by a tall close boarded fence (over 2 m tall) on all sides, with the entirety of the land within the fence surfaced in a (recent) layer of stone chippings. This area of hardstanding was accessed by a substantial new gateway leading directly onto the access track, with no access available to the driveway to the east.
- 2.7 There was a single modest sized mobile home situated close to the northern boundary of the site.
- 2.8 The details on site differ from the application plans in the following regards:-

- The mobile home on site is smaller than that shown on the block plan, but in approximately the same position.
- the access to the pitch on site is on the southern boundary and direct onto the access road, not onto the driveway to the east.
- the entire site has been hardsurfaced in contrast to the proposed block plan that shows approximately the southern 1/3 of the site as an amenity area.
- the site is enclosed by close boarded fencing (with concrete gravel boards) over 2m high, in contrast with the native hedging shown on all 4 boundaries.

Pitch 2

2.9 On 2nd February 2026 the site was locked and not accessible but appeared to be very similar to that shown in the photos in WBC 5, with the entire site laid to hardstanding topped by stone chippings, and two mobile homes, located close to the northern and southern boundaries. The Photos of pitch 2 in Appendix 10 show the site as seen through a gap in the gate.

2.10 The details on site differ from the application plans in the following regards:-

- Both mobile homes were smaller than those shown on the block plan, with the northern one in a similar position to that shown, but the southern one aligned west – east (turned 90 degrees) and alongside the southern boundary.
- the access to the pitch, from the access drive, was situated closer to the south east corner.
- the entire site has been hardsurfaced in contrast to the proposed block plan (which is not specific in identifying surfaces) but appears to show part of the site to the front and side of the second mobile home, as a landscaped area.
- the site is enclosed by close boarded fencing (with concrete gravel boards) over 2m high, in contrast with the native hedging (and post and rail fence) shown on all 4 boundaries.

3.0 THE DEVELOPMENT PROPOSED

3.1 The application details for each of the two proposals are set out in paragraphs 3.1-3.7 of the Statement of Case (SoC).

3.2 It is relevant to note that the following details or reports/documents that would normally be expected are missing from the application details.

Pitch 1

3.3 There are no details of the works undertaken to create the hardstanding on site, and more specifically to fill the watercourse that previously existed. The access on site differs from that applied for.

3.4 There are no details relating to how the site will be drained in relation to surface water. This includes a lack of any information about how surface water on the site will be dealt with, and of what measures will be put in place to replace the pre-existing drainage facilities including the watercourse.

3.5 There are no details available showing how foul water will be drained on the site, including from the mobile home and day room.

3.6 There are no details of the visual impact of the development proposed, or assessment of the impact that this might have on the surrounding landscape. No viewpoints are considered or any impact on landscape character.

3.7 No details are provided of the impact of development upon ecology, and upon the habitats that existed on site prior to development.

3.8 None of these details have been provided as part of the grounds of appeal. (nor any indication that such details will be submitted).

Pitch 2

3.9 There are no details of the works undertaken to create the hardstanding on site, including any details on how the access drive was constructed over the watercourse that previously existed.

- 3.10 There are no details relating to how the site will be drained in relation to surface water. This includes a lack of any information about how surface water on the site will be dealt with, and of what measures will be put in place to replace the pre-existing watercourse that is now crossed by the access drive.
- 3.11 There are no details available showing how foul water will be drained on the site, including from the 2 mobile homes.
- 3.12 There are no details of the visual impact of the development proposed, or assessment of the impact that this might have on the surrounding landscape. No viewpoints are considered or any impact on landscape character.
- 3.13 No details are provided of the impact of development upon ecology, and upon the habitats that existed on site prior to development.
- 3.14 None of these details have been provided as part of the grounds of appeal. (nor any indication that such details will be submitted).

4.0 PLANNING HISTORY AND OTHER RELEVANT PLANNING DECISIONS AND APPEALS

- 4.1 The main planning history is provided in section 4 of the SOC but is repeated in a different format here for ease of reference and with additional details. One error is corrected.

The current appeal sites

- 4.2 The first application relevant to the appeal sites was application WA/2021/02307 (not WA/2025/0495 as given in para 4.1 of the SoC). This sought permission for 4 pitches including pitch 1 and pitch 2. The other two pitches related to sites now referred to as sites C and D from the alternative group of appeals (originally scheduled for Inquiry in February 2026). The application for the 4 pitches was refused in January 2022. A copy of the decision is provided as Appendix WBC 11.

4.3 Separate applications were then received for pitches 3 and 4 (sites D and C) with reference Nos WA/2023/00371 (plot 4, site C), and WA/2023/00470 (plot 3, site D). Both were refused and appealed and are part of the Inquiry that was due to resume in February 2026, and will now resume at a date yet to be determined.

4.4 The application for pitch 1 (WA/2025/00495) now subject to appeal 3367393 was submitted in February 2025 and for pitch 2 (WA/2025/00578) subject to appeal 336638, in March 2025.

4.5 Both pitches are also subject to an Enforcement Notice. Both Notices are dated the 22nd April 2025 and have been appealed (refs 3367392 and 3366481). The Inspectorate has currently linked these two enforcement appeals with enforcement appeals for sites C and D, and it is understood that these will be determined by written representations, after the conclusion of the current appeals (at Inquiry). It is to be noted that the 4 enforcement appeals are proceeding only on 'ground g'.

4.6 There are therefore 3 sets of appeals currently in process, as summarised in Table 1 below

Table 1

	Appeal ref	Planning Ref	Appellant	Site	
Appeal A	APP/R3650/W/22/ 3313865	WA/2022/02625	Mr Thomas Doherty	Site 3,	At inquiry, February 2026
Appeal B	APP/R3650/W/23/ 3314447	WA/2022/02766	Mr Simon Doherty	Site 2,	ditto
Appeal C	APP/R3650/W/23/ 3322400	WA/2023/00371	Mr Mark and Mrs Allana Doherty	Site 1, Plot 4	ditto
Appeal D	APP/R3650/W/22/ 3323108	WA/2023/00470	Mr Matthew Doherty	Site 1, Plot 3	ditto
Pitch 1	APP/R3650/W/25/ 3367393	WA/2025/00495	Barney Doherty	Site 1 Plot 4	Current appeal March 2026
Pitch 2	APP/R3650/W/ 3366387	WA/2025/00578	Levi Williams	Site 1 Plot 3	Current Appeal March 2026

Pitch 1		ENF	As above		Enforcement appeal Details to be confirmed
Pitch 2		ENF	As above		ditto
Plot 3 Site D		ENF	As above		ditto
Plot 4 Site C		ENF	As above		ditto

Other Planning Decisions

- North of the access track

4.7 The only other planning decision for land to the north of the access track is application ref WA/2020/1362 (appeal Decision 3323108) which relates to land on the northern corner of Stovolds Hill and the access track. The appeal was dismissed and is referred to later in this Evidence. See also Appendix WBC 12.

4.8 Although there has not been any valid application, the northeast corner of this open area to the north of the access track, and north of the site included in application WA/2020/1362 includes a single mobile home, that was moved onto that site in September 2024. An application was submitted for the caravan the day before it arrived on site, but was returned in June 2025 as the details provided remained invalid. Following extensive discussions with the occupants, an enforcement notice has been drafted but has not yet been served. The inspector will see this mobile home at the site visit.

South of the access track/Lydia Park

4.9 The area to the south of the track has been referred to generally (in other appeals) as Lydia Park. This comprises a number of historic gypsy pitches situated in a band to the south (dating back to 1994) and a wide strip of land situated between those historic sites and the access track, which have been granted a succession of planning permissions since 2017.

- 4.10 The first stage of this area comprises a group of planning permissions granting a total of 80 pitches (the original Lydia park – 25 pitches, New Acres -50 pitches, and Hill top- 5 pitches).
- 4.11 These original sites have been followed by the grant of 13 additional planning permission dating from 2017, and allowing for a total of 54 additional pitches. This is the new area of Lydia Park, the history of which is more relevant to this evidence. The general arrangement of these sites can be seen in the aerial photo in Appendix WBC 13 and in Figure 2 below

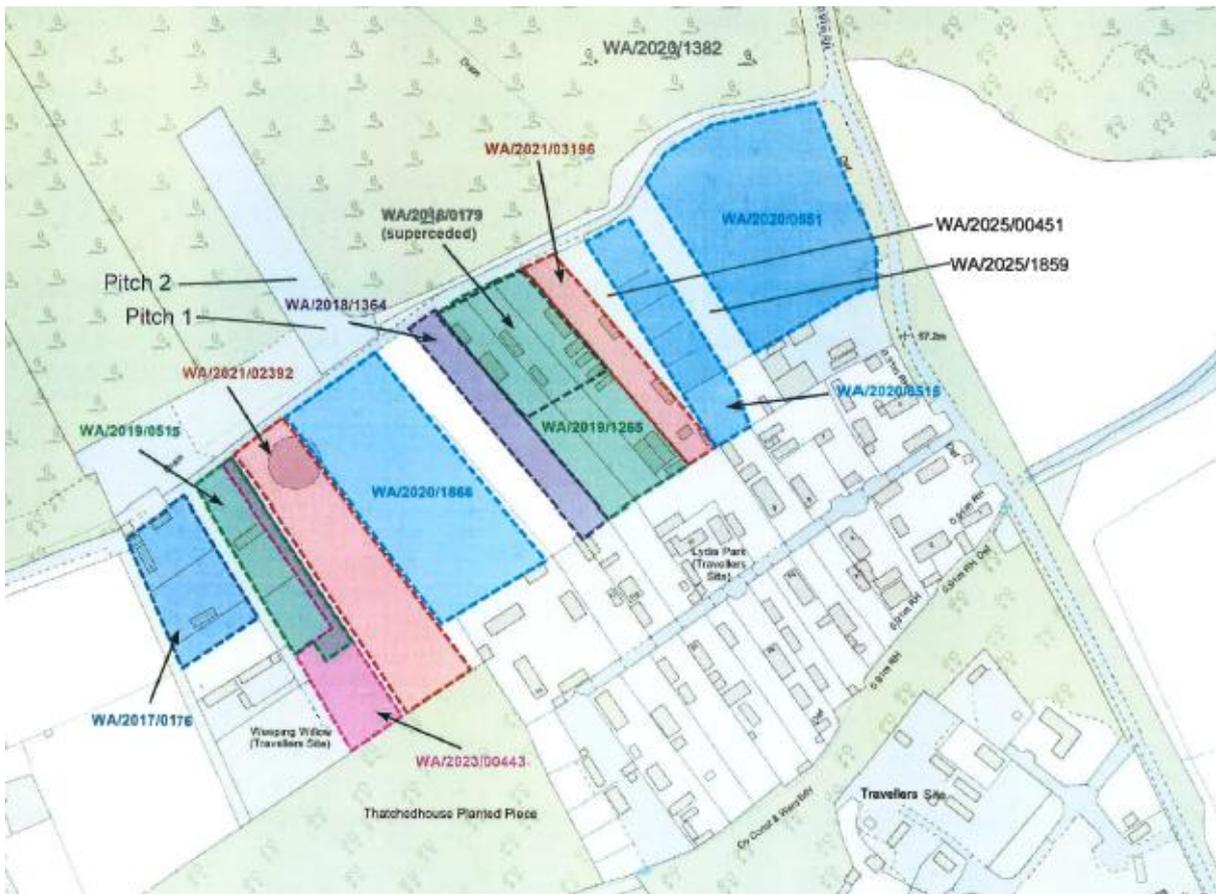


Figure 2 showing the band of historic Gypsy and traveller sites (in white) the planning permissions granted since 2017 (in colour) and the appeal sites for pitch 1 and pitch 2

- 4.12 The details shown in Figure 2 above are reproduced from Appendix CW 7A and the details of the planning permissions that have been granted summarised in Table 3 below.

Table 3 listing the planning permissions granted on the extended (northern) section of Lydia Park

. Reference	No of pitches
WA/2020/0551	7
WA/2025/01859 <i>Supersedes 2020/0516</i>	(9) -Plus 4
WA/2020/0516 <i>Superseded by 2025/01859</i>	5
WA/2025/00451 Plot 41	2
WA/2021/03196 Plot 40	2
WA/2019/1265 (incl /2016/0179) Plots 17-19	9
WA/2016/0179	(6-)See WA/2019/1265
WA/2018/1364 (Plot 16)	1
WA/2020/1866 Yellowstone	9
WA/2021/02392 Pitches 1-5	5
WA/2023/0443	3
WA/2019/0515	4
WA/2017/0176 APP/R3650/W/17/3180635 Weeping Willow	3
WA/2020/1382	Refused and appeal dismissed ref App/R3650/W/3323108.
TOTAL	54 pitches

- 4.13 In the view of the Local Planning Authority, all of the planning permissions listed above have been implemented (by the construction of accesses and hardstandings and by other works) and many of the pitches have been laid out and occupied.
- 4.14 Notwithstanding the implementation of these planning permissions, a large number of sites have also included additional works or land being used other than in accordance with the details of the individual planning permissions. A common theme to this is that some sites are being used to site an excess number of caravans, many of which are then being rented out to occupants other than gypsies and travellers (see aerial image in Appendix CW 13). Hence some sites are subject to ongoing enforcement investigation, and these include two sites where breach of condition notices (BCNs) have been served. Copies of these are included as Appendix CW 21. Appendix CW 16B provides a summary of how the various sites with planning permission were being used in late 2025, and is discussed later in relation to the supply of sites with planning permission. I return to these details in section 8 of this Proof.
- 4.15 It currently appears that the BCN relating to site WA/2020/0516 is being complied with but that the land at Ranch Park (WA/2021/02392) is in breach of the BCN for that site. The Local Planning Authority is discussing prosecution.

5.0 NATIONAL, REGIONAL AND LOCAL POLICIES, GUIDANCE AND LEGISLATION

5.1 A summary of the main policies relevant to the appeals is set out in section 5 of the SoC. This remains a correct list of the plans, policies and other documents relevant to the two appeal sites.

Updates to SoC

5.2 For clarity, it should be noted that a new Local Plan (Waverley Local Plan 2023-2043) is currently being prepared that will provide a framework for development within the borough until 2043. This was subject to an initial formal consultation (Issues and Options) in October – December 2025, with the intent that this Plan will eventually replace LPP1 and LPP2. However, this plan will not be adopted before 2027, so has very limited or no relevance to the current appeals.

5.3 In addition, a revised GTAA was published on 13th January 2026, and provides an up to date assessment of the need for and supply of sites for Gypsies and Travellers in Waverley. The main evidence relating to this GTAA is provided by Mr Jarman but brief details of this are discussed in Section 8.

Main policies that are relevant to the appeals

5.4 5.1 The main policies relevant to the appeals are set out in two local plans referred to as Local Plan pt 1 and Local Plan pt 2. The two appeal sites are both located on land identified as countryside, and as an Area of Great landscape Value (AGLV). Dunsfold Road is situated a short distance to the north, and the land to the north of Dunsfold Road is designated as an AONB (now a 'National Landscape'). An extract from the local plan Proposals Map shows the location of the 2 sites and the appropriate boundaries of the AONB and AGLV .

5.5 The 2 appeal sites are situated about 160-260m to the south of the Dunsfold Road which is the boundary of the National Landscape but are both within the AGLV.

5.6 Although there is a Green Belt in parts of the district, the appeal sites are not within the Green Belt.

Local Plan (Part 1) 2018 (LPP1)

- 5.7 The Waverley Local Plan (Part 1) 2018 (LPP1) was adopted in February 2018, having been found sound by the Inspector. The policies listed below have specific relevance (and are referred to in the Enforcement Report).

Policy RE1 Countryside beyond the Green Belt

Policy RE3 Landscape Character

Policy NE1 Biodiversity and Geological Conservation

Policy CC4 Flood Risk Management

Policy AHN4 Gypsies, Travellers and Travelling Showpeople Accommodation

Policy NE2 Green and Blue Infrastructure

Policy SP1 Presumption in Favour of Sustainable Development.

Policy SP2 Spatial Strategy

Policy ST1 Sustainable Transport

Policy TD1 Townscape and Design

Policy CC2 Sustainable Construction and Design

- 5.8 LPP1 was subject to a Regulation 10A Review in February 2022 [CD3A.11]. In respect of the policies relevant to this appeal, AHN4 was considered to justify a review to the 2018 GTAA to ensure that the site granted permission since 2017 were considered when calculating the need for pitches. Policy RE1 was considered to be consistent with the NPPF. In relation to Policy RE3 the review advised that a decision in relation to the AGLV would be needed following the completion of the Surrey Hills AONB Review, which was underway but unlikely to be completed by 2024/25. It could be completed by the time an updated LPP1 is adopted.

- 5.9 **Policy RE1 Countryside beyond the Green Belt.** The policy is a general catch all policy that applies to all of the countryside beyond the Green Belt. It seeks to recognise the intrinsic character and beauty of the countryside, requiring this to be safeguarded in accordance with national policy. The policy states:-

Policy
RE1

Countryside beyond the Green Belt

Within areas shown as Countryside beyond the Green Belt on the Adopted Policies Map, the intrinsic character and beauty of the countryside will be recognised and safeguarded in accordance with the NPPF.

- 5.10 **Policy RE3 Landscape Character.** Paragraphs 13.28 – 13.38 of the Local Plan explain the origins of the AONB and AGLV in Waverley District, that the AGLV covers a larger area than the AONB, and the review being undertaken by Natural England to consider where the boundaries of the AONB justify extension. Policy RE3 seeks to protect the specific landscape character of both areas.

Policy
RE3

Landscape Character

New development must respect and where appropriate, enhance the distinctive character of the landscape in which it is located.

i. Surrey Hills Area of Outstanding Natural Beauty

The protection and enhancement of the character and qualities of the Surrey Hills Area of Outstanding Natural Beauty (AONB) that is of national importance will be a priority and will include the application of national planning policies together with the Surrey Hills AONB Management Plan. The setting of the AONB will be protected where development outside its boundaries harm public views from or into the AONB.

ii. The Area of Great Landscape Value

The same principles for protecting the AONB will apply in the Area of Great Landscape Value (AGLV), which will be retained for its own sake and as a buffer to the AONB, until there is a review of the Surrey Hills AONB boundary, whilst recognising that the protection of the AGLV is commensurate with its status as a local landscape designation.

- 5.11 In 1958 and 1971 the County Council designated parts of Surrey as an Area of Great Landscape Value (AGLV) for its own intrinsic value. Additional areas in Waverley were designated in 1984. The AGLV is a local landscape designation that complements the AONB. It affects six of the Surrey districts. For much of the area in Waverley, the AONB and AGLV designations are contiguous. However, there are significant areas around Farnham and Godalming, and in the south eastern part of the Borough where the AGLV designation extends beyond the AONB and therefore under the NPPF does not have the same status of protection.
- 5.12 The most recent review of the AGLV was undertaken in 2007 and found that the south eastern part of the Borough that was included in the AGLV extension following the 1981-4 review was an area with identical characteristics to the AONB. The only

comment was that its boundary should be reviewed to see if it should include adjacent land of comparable landscape character.”

- 5.13 A review of the boundary to the National Landscape /AONB is currently in progress with a public consultation on proposed changes ending in January 2026. The changes proposed include the extension of part of the National landscape southwards towards Dunsfold, but not in such a way as to impact on the appeal sites. Consequently, currently the protection provided by the AGLV remains in place. In the appeal decision for Land to the North of North Gratton Chase, Dunsfold the Inspector stated, at paragraph 9, “that the AGLV should be considered as a ‘valued landscape’ It clearly has attributes which take it out of the ordinary, and these are recognised in its designation”.
- 5.14 In addition, paragraph 13.37 notes that the [then] Framework stated that in preparing plans to meet development requirements, the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, and that criteria based policies should be set against which proposals for any development on or affecting landscape areas will be judged. Paragraph 13.37 concludes that *“There is strong support for the retention of these local designations among Waverley residents”*.
- 5.15 Section i) of the policy recognises the national importance of the AONB, advises that the protection and enhancement of the character and qualities of the (Surrey Hills) AONB will be a priority. Section i) of the policy provides specifically that where development is proposed outside the AONB, the AONB must be protected from development that may harm public views from or into the AONB.
- 5.16 Section ii) of the policy relates specifically to land identified as within the AGLV, recognises this as a local landscape designation, but indicates that the same principles of protection will apply, in addition to which the AGLV must be protected as a buffer to the AONB. Both appeal sites lie within the AGLV.
- 5.17 National Guidance in relation to the AONB/National Landscape is set out in paragraphs 187-190 (previously 180-183) of the NPPF. The following extracts are relevant.

187. Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

[c to f omitted.]

188. Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework⁶⁵; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.

189. Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on designated areas.

5.18 The management policies for the AONB are referenced by Mr Dudley in his landscape evidence.

5.19 **Policy NE1 Biodiversity and Geological Conservation.** The policy reiterates the need to conserve and enhance biodiversity, and requires that where any development has adverse impacts that such impacts are appropriately mitigated. The policy identifies a hierarchy of important sites and habitats and provides that within 'priority habitats' development will not be permitted unless necessary for on site management measures or it can demonstrate no adverse impact on nature conservation interests.

Where development is proposed adjacent to a locally designated site, this will not be permitted if this would have an adverse impact on the integrity of the nature conservation interest. The relevant sections are included below.

**Policy
NE1**

Biodiversity and Geological Conservation

The Council will seek to conserve and enhance biodiversity within Waverley. Development will be permitted provided that it:

- a. Retains, protects and enhances features of biodiversity and geological interest and ensures appropriate management of those features.**
- b. Ensures any adverse impacts are avoided, or if unavoidable, are appropriately mitigated.**

Particular regard will be had to the following hierarchy of important sites and habitats within the Borough -

(iii) Sites of Nature Conservation Importance (SNCIs), Local Nature Reserves (LNRs), Local Geological Sites and other Ancient Woodland, Ancient and Veteran Trees; or any other Priority habitats not identified within (ii) above (local designations)

Within locally designated sites, development will not be permitted unless it is necessary for appropriate on site management measures or can demonstrate no adverse impact to the integrity of the nature conservation interest. Development adjacent to locally designated sites will not be permitted where it has an adverse impact on the integrity of the nature conservation interest.

5.20 In this context it is noted that both sites lie within an area identified as a priority habitat for the White Wood butterfly, and this is likely to have included the sites themselves prior to development.

5.21 Guidance in relation to Habitats and Biodiversity is set out in paragraphs 192-195 of the NPPF.

192. To protect and enhance biodiversity and geodiversity, plans should:

- a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity⁶⁸; wildlife corridors and stepping*

stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation⁶⁹; and

b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

In addition, para 187 d) and para 188 advise :-

187. Planning policies and decisions should contribute to and enhance the natural and local environment by:

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporate features which support priority or threatened species -

188. Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework⁶²; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.

5.22 **Policy NE2 Green and Blue Infrastructure**, provides a more general policy for the protection of areas of 'Green and Blue Infrastructure', seeking to protect habitats alongside watercourses, habitat corridors, and to maintain trees, woodland and hedgerows.

The Council will seek to protect and enhance benefits to the existing river corridor and canal network, including landscaping, water quality or habitat creation. This will be partially achieved, on development sites, by retaining or creating undeveloped buffer zones to all watercourses of 8 metres for main rivers and 5 metres for ordinary watercourses.¹⁰ In accordance with the Water Framework Directive,¹¹ development will not be permitted which will have a detrimental impact on the visual quality, water quality or ecological value of existing river corridors and canals.

In addition to the measures mentioned in NE1 above, new development should make a positive contribution to biodiversity by creating or reinforcing habitat linkages between designated sites, in order to achieve a connected local and regional ecological network of wildlife corridors and green infrastructure.

The Council will seek, where appropriate, to maintain and enhance existing trees, woodland and hedgerows within the Borough.

- 5.23 **Policy CC4 Flood Risk Management.** The policy seeks to ensure that new development is safe, that the risk from flooding is minimised, and that development does not increase the risk of flooding elsewhere. Where a site is at risk of flooding development should first pass the sequential, and exception tests, include appropriate flood mitigation measures, and not impede the natural flood plain by impeding flows or reducing storage capacity.

Flood Zones in Waverley are defined as contained within National Planning Practice Guidance and the Council's Level 2 Strategic Flood Risk Assessment.

In order to reduce the overall and local risk of flooding in the Borough:

- 1. Development must be located, designed and laid out to ensure that it is safe; that the risk from flooding is minimised whilst not increasing the risk of flooding elsewhere; and that residual risks are safely managed. In locations identified as being at risk of flooding, planning permission will only be granted, or land allocated for development, where it can be demonstrated that:**
 - a. where sequential and exceptions tests have been undertaken and passed, any development that takes place where there is a risk of flooding will need to ensure that flood mitigation measures, including a site specific flood evacuation plan, are integrated into the design both on-site and off-site, to minimise the risk to property and life should flooding occur;**
 - b. through a sequential approach, it is located in the lowest appropriate flood risk location in accordance with the NPPF and the Waverley Strategic Flood Risk Assessment (SFRA); and**
 - c. it would not constrain the natural function of the flood plain, either by impeding flood flow or reducing storage capacity.**
- 2. Sustainable drainage systems (SuDS) will be required on major developments (10 or more dwellings or equivalent) and encouraged for smaller schemes. A site-specific Flood Risk Assessment will be required for sites within or adjacent to areas at risk of surface water flooding as identified in the SFRA. There should be no increase in either the volume or rate of surface water runoff leaving the site. Proposed development on brownfield sites should aim to reduce run off rates to those on greenfield sites where feasible. There should be no property or highway flooding, off site, for up to the 1 in 100 year storm return period, including an allowance for climate change.**

- 5.24 Guidance on flooding is set out in paragraphs 170-182 of the NPPF. The evidence of Mr Smyth explains the key provisions. I deal with key aspects in section 8.
- 5.25 Paragraphs 173-176 of the NPPF make clear that development should not be permitted in areas at risk from any form of flooding, unless a sequential test has been undertaken to demonstrate that there are no appropriate sites at lower risk. No such test has been undertaken for either site. Para 175 provides an exception to this requirement only where a site specific Flood Risk Assessment (FRA) has been provided and this demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located in an area at risk of flooding from any source (taking

climate change into account). Para 176 also provides an exclusion for some minor development, but not where this includes a site for caravans or mobile homes.

5.26 Paragraphs 177 and 178 of the NPPF require that in circumstances where it is not possible to locate development in areas at lower risk (ie where the sequential test is passed), then that development must pass the exception test. Having regard to the latter, the siting of residential caravans is a highly vulnerable form of development and not acceptable in areas at High Probability of flooding, now defined as a greater than 1% probability of flooding from any source (See Para. 175 of the NPPF and Tables 1 and 2 and para. 23 of the PPG on flooding) . As both pitches include land at high risk of flooding, the residential occupation of caravans on these pitches is not acceptable.

5.27 **Policy AHN4 Gypsies, Travellers and Travelling Showpeople Accommodation.**
The policy seeks to ensure the provision of sites for Gypsies and Travellers in accordance with the Accommodation Assessment, and provides for the allocation of specific sites within the LPP2. The policy sets out a sequential approach to identify and allocate sites in LPP2, and allows for rural exception sites for affordable sites in accordance with policy D of the PPTS. Finally, the policy provides a checklist of requirements that must be met before planning permission can be granted, and provides that existing authorised sites will be safeguarded to meet identified need unless no longer required to meet the identified need.

Provision shall be made for Gypsies, Travellers and Travelling Showpeople in accordance with the Waverley Traveller Accommodation Assessment.

Specific sites to meet the identified need within the Borough will be allocated within Part 2 of the Local Plan: Site Allocations and Development Management Policies.

A sequential approach will be taken to identifying sites for Travellers and Travelling Showpeople within Part 2 of the Local Plan: Site Allocations and Development Management Policies in the following order:

- providing additional pitches within available existing authorised sites;
- suitable extensions to available existing sites;
- use of available land within settlements or other available and suitable brownfield land outside settlements; and
- other available and suitable land that does not fall within the above three categories.

Traveller sites in the Green Belt will not be supported, except in very special circumstances.

Rural Exception Sites solely for affordable Gypsy, Travellers and Travelling Showpeople sites will be considered in accordance with Policy D of the Planning Policy for Traveller Sites.

Allocations or proposals for permanent and transit sites for Gypsies, Travellers and Travelling Showpeople will only be permitted if:

- safe and convenient vehicular and pedestrian access to the site can be provided;
- there is easy and safe access to the strategic road network and the site does not generate traffic of an amount or type inappropriate for the roads in the area;
- the site is able to accommodate on site facilities for the parking and manoeuvring of vehicles and storage, play and residential amenity space;
- the site is located within a reasonable distance of local facilities and services including schools and health facilities;
- the site does not have an unacceptable impact on the physical and visual character of the area or on the amenities of neighbouring land uses;
- the site is capable of being provided with essential services; and
- it accords with other policies in the Plan.

Existing authorised Traveller and Travelling Showpeople sites will be safeguarded unless no longer required to meet identified need.

- 5.28 Paragraph 9.49 of the supporting text reiterates the requirements of the PPTS for a sequential approach, to ensure that sites are located in the 'most suitable locations with the least impact on the environment.'

Waverley Local Plan (Part 2) 2023

- 5.29 The Waverley Local Plan (Part 2) 2023 (LPP2) was adopted in March 2023. As the plan is less than 3 years old it is up to date and afforded full weight in the assessment of planning applications. The policies listed below are considered the most important policies for determining the applications, and referred to in the Enforcement Report.

Policy DM1 – Environmental Implications of Development
Policy DM11 – Trees, Woodland, Hedgerows and Landscaping
Policy DM15 - Development in rural areas
Policy DM37 - Design Principles for Gypsy and Traveller Sites
Policy DM4 – Quality Places Through Design
Policy DM12 – Planning Enforcement

- 5.30 The Local Plan pt 2 is specifically relevant to gypsy and traveller sites in that, whilst LPP1 sets out the consideration to be given to such sites, it is LPP2 that considers the needs for additional sites and allocates additional provision. This includes a number of new sites for Gypsies and Travellers within the borough, but none on Lydia Park. The location of these allocations is shown on CW 10.

Local Plan Examination (LPP2)

- 5.31 It is relevant that although the two plans (LPP1 and LPP2) are separate documents with different roles, the Inspector examining LPP2 reported in March 2023 that the latter was the ‘daughter document’ to LPP1 and that taken together the two plans (including the allocations in LPP2), met the requirements for gypsy and traveller sites in the borough for the plan period until 2032. Hence the approach taken to identifying the need and providing for new sites was endorsed by the Inspector in March 2023. Paragraphs 11 and 27 of the Inspector’s report are broadly relevant, and paragraphs 90-99 are `specific to Gypsies and Travellers. Paragraphs 90 and 91 relate specifically to the identified need and supply of sites for families meeting the definition of traveller (PPTS).

Extract from Inspectors report on LPP2

90. Policy AHN4 of LPP1 expects LPP2 to allocate sites to provide for accommodation for Gypsies, Travellers and Travelling Showpeople in accordance with identified needs. The requirement and supply figures set out in the Regulation 19 version of the Plan, have, however, been overtaken by events, and in order to provide a justified and effective basis for LPP2’s policies, re-basing these figures to 1 April 2022 is necessary, and would be effected by means of MM98 and MM103. These updated figures demonstrate that planning permissions granted since 2017 (57) would comfortably meet the needs for Gypsy and Traveller provision identified in the Gypsy and Traveller Accommodation Assessment

(GTAA) (39), for those households that meet the definition of 'traveller' given in the Planning Policy for Traveller Sites (PPTS).

91. Nevertheless, LPP2 includes a number of allocations for Traveller accommodation focused on intensification of existing sites. Whilst I return to site-specifics below, in general, the LPP2 is clearly positively prepared in this sense. Moreover, the LPP2 approach would also accord with national policy (as expressed in PPTS at paragraph 4), insofar as it seeks to reduce the number of unauthorised developments and encampments, to increase the number of Traveller sites in appropriate locations with planning permission, and to enable the provision of suitable accommodation from which Travellers can access education, health, welfare and employment infrastructure.

5.32 These comments pre-date the (new) GTAA dated January 2026.

5.33 **Policy DM1 – Environmental Implications of Development:** The policy sets out various general environmental considerations, including at c) that development must not cause harm or damage to environmental assets including areas of ecological or landscape value, and should maximise opportunities to enhance such assets. Section g) identifies the need to deliver a minimum net gain in relation to biodiversity.

DM1: Environmental Implications of Development

Development should:

- c) **Not cause harm or damage to existing environmental assets such as areas of ecological, geological, townscape, or landscape value, and maximise opportunities to enhance such assets;**
- g) **Follow the mitigation hierarchy set out in DM1 a) to:**
 - i. **avoid negative impacts upon biodiversity deliver the minimum biodiversity net gain of 10% as required by the Environment Act 2021. The biodiversity net gain should be compared to the baseline and calculated using the most up to date national Biodiversity Metric;**
 - ii. **protect and enhance geological assets.**

5.34 **Policy DM11 – Trees, Woodland, Hedgerows and Landscaping:** The policy sets out what is necessary in relation to these features of the natural environment, including at a) the need to retain woodland, trees, and hedgerows, at b) the need to protect these from damage, and at c) the need for adequate separation between trees and hedgerows and any development. In addition, the policy requires that

development that would result in the loss or deterioration of irreplaceable habitat, or the landscape character of the area will not be permitted unless there are wholly exceptional reasons and a suitable compensation strategy exists.

DM11: Trees, Woodland, Hedgerows and Landscaping

Development should:

- a) retain woodland, important trees, groups of trees and hedgerows;**
- b) adequately protect trees and hedgerows during all phases of development to avoid damage including activities causing soil compaction or severance of roots;**
- c) provide adequate separation between trees or hedgerows and the proposed development, so as to secure their long-term retention and potential growth, including for trees to be planted as part of the development's landscaping scheme;**
- d) provide suitable, preferably native, species for planting and the creation of wildlife habitats, refuges and connectivity; and**
- e) incorporate high quality landscape schemes, appropriate to the scale, nature, and location of the development. Proposals should include details of the long term management and maintenance of new and existing trees and landscaping.**

Where significant harm to existing woodland and important trees and hedgerows cannot be avoided, it should be adequately mitigated for, or, as a last resort, compensated for.

Proposals which would result in the loss or deterioration of irreplaceable habitats or a detrimental impact on the landscape character of the area will not be permitted unless there are wholly exceptional reasons and a suitable compensation strategy exists.

The Council may attach planning conditions, seek planning obligations or make Tree Preservation Orders to ensure future protection and management of important trees including new planting where appropriate.

- 5.35 **Policy DM15 - Development in rural areas:** There are three aims to policy DM15, with the first two being relevant. a) requires that development that is acceptable in rural areas should not be isolated from facilities and services, with maximum opportunities for walking and cycling (taking account of the needs of the development proposed). Section b) requires all such development to recognise the natural beauty and undeveloped character of the open countryside.

DM15: Development in rural areas

In rural areas, development should:

- a) Not be isolated from everyday services and facilities, while maximising opportunities for walking and cycling and seeking to avoid dependency on private vehicles, taking account of the nature and functional needs of forms of development which are acceptable in rural areas;**
- b) Recognise the natural beauty and undeveloped character which is intrinsic to the open countryside, together with the distinctive character and pattern of development in areas of urban-rural transition and rural settlements, while making efficient use of land;**

5.36 **Policy DM37** - Design Principles for Gypsy and Traveller Sites; Paragraphs 7.28-7.35 of the Plan provide a summary of the approach taken towards identifying and meeting the need for sites and advises at 7.34 that the needs have already been met (by planning permissions granted), but that additional sites are being allocated.

The Need for Additional Pitches in Waverley at 1 April 2020

7.34 Since 1 April 2017, a number of planning permissions have been granted and contribute to meeting the need identified in the TAA. As a result, the residual need has already been met. To provide flexibility, Local Plan Part 2 contains several site allocations for Gypsy and Traveller pitches.

5.37 Policy DM37 then provides a checklist for application sites, setting out the minimum size of these and the facilities necessary on each.

DM37: Design Principles for Gypsy and Traveller Sites

New Gypsy and Traveller sites should measure at least 500 square metres (unless extended families are sharing facilities, in which case their needs will be assessed individually).

Each pitch should provide:

- a) A utility building**
- b) An amenity area**
- c) Hard standing for a trailer, touring caravan and another vehicle.**
- d) Landscaping**
- e) Access that promotes the ease of movement whether walking, cycling or driving**
- f) Sufficient provision for waste management.**

Pitches should be laid out to promote the security and safety of residents. Provision of play space will be required at a site-wide level.

5.38 In addition to these management policies the Plan makes a number of allocations, including policies DS 15-19 for new gypsy and Traveller sites within the district. These sites are referred to by Steve Jarman, but identified on the plan in Appendix CW 10. The allocation of these sites is part of the plan led system to meet the identified need for gypsy and traveller sites.

The Bramley Neighbourhood Plan (BNP) 2017-2032

5.39 The parish of Bramley lies immediately to the north east of the site but includes all of Lydia Park and both application sites. The geographical limits of the Plan area are shown in the Map on page 14 (see figure ?? below). The Plan was adopted in January 2022. Policies G3 and E 3 have relevance.

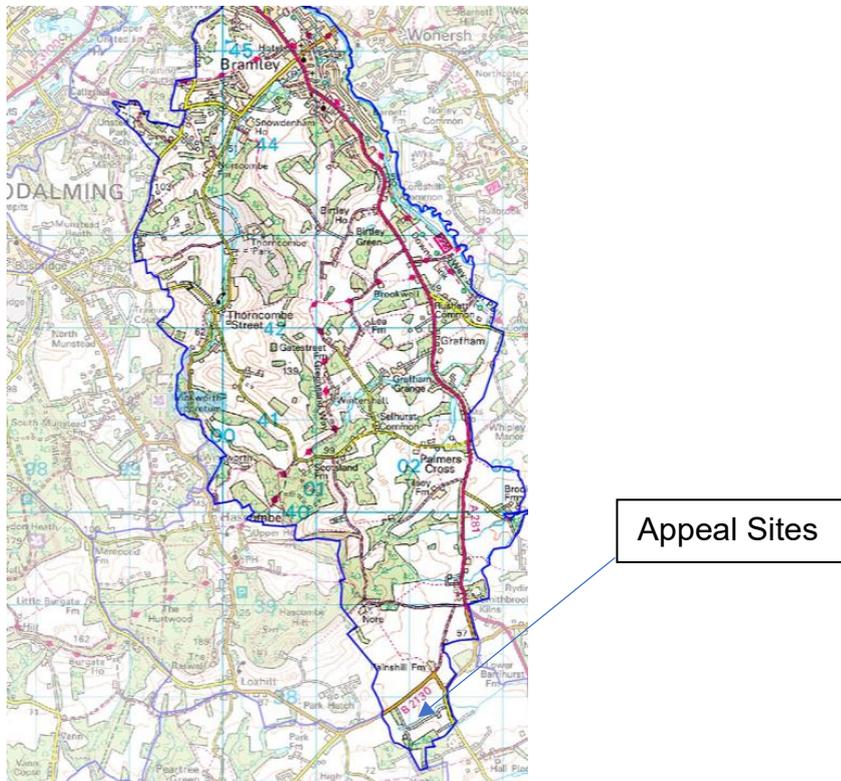


Figure 3 showing the area covered by the Bramley Neighbourhood Plan

Policy G3 - Managing the Landscape, Heritage, Character and Design of the Parish

5.40 The policy is set out on page 39 of The Plan. The paragraphs relating to Strategic Views and to Heritage Assets are not relevant. In relation to character, the policy focuses on the built environment, but requires that new buildings are proportionate to their surroundings and that attractive features including trees and hedges are

retained. In relation to Design, the policy requires that the character and amenity of the parish are protected, that new development be of a high quality and inclusive design, incorporating principles of sustainable development.

Policy E3 - Lighting and Maintaining Dark Skies Appropriately

- 5.41 The policy is set out on page 45 of the Plan and seeks to avoid light pollution and to require minimal lighting where appropriate. It has relevance to the visibility and prominence of development on site at night.

The GTAA 2025/6

- 5.42 This has been prepared by ORS on behalf of the Council, in late 2025 and was published on the 13th January 2026. It includes both an assessment of need and consideration of available sites (PDA). Details of the GTAA are provided in evidence by Mr Steve Jarman of ORS and discussed in section 8.

Planning Policy for Traveller Sites [PPTS – December 2024]

- 5.43 The PPTS sets out the Government's guidance for the provision of Gypsy and Traveller sites. It should be read in conjunction with the NPPF. It is a material consideration in the determination of this planning application, to be considered in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990.
- 5.44 The overarching aim of this policy document is to ensure fair and equal treatment for Gypsies and Travellers, in a way that facilitates the traditional and nomadic way of life of Travellers whilst respecting the interests of the settled community.
- 5.45 The PPTS was amended in December 2024 to the extent that the definition of a gypsy and traveller was amended to include '*other persons with a cultural tradition of nomadism or of living in a caravan*'. It sets out the Government's planning policy for traveller sites and needs to be read in conjunction with the Framework.
- 5.46 Paragraph 2 makes clear that "*Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. This policy must be taken into account in the preparation of development plans, and is a material consideration in planning decisions. Local planning authorities preparing plans for and taking decisions on*

traveller sites should also have regard to the policies in the National Planning Policy Framework so far as relevant.”

- 5.47 Paragraph 4(h) makes clear that the government seeks to increase the number of traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply, whilst 4(k) requires LPAs to have due regard to the protection of local amenity and local environment.
- 5.48 In this regard footnote 4 makes clear that to be considered deliverable “*sites should be available now, offer a suitable location for development, and be achievable with a realistic prospect that development will be delivered on the site within five years. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within 5 years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans.*”
- 5.49 **Policy B** of the PPTS outlines at paragraph 10 that, in preparing Local Plans, Local Planning Authorities (LPAs) should:
- a) Identify and update annually a supply of specific deliverable sites sufficient to provide five years’ worth of sites against their locally set targets;*
 - b) Identify a supply of specific, deliverable sites or broad locations for growth, for years six to ten, and where possible, years 11 to 15;*
 - c) Consider production of joint development plans that set targets on a cross-authority basis, to provide more flexibility in identifying sites, particularly if a local planning authority has special or strict planning constraints across its area;*
 - d) Relate the number of pitches or plots to circumstances of the specific size and location of the site and the surrounding population’s size and density; and*
 - e) Protect local amenity and environment.*
- 5.50 Paragraph 11 advocates the use of criteria to guide land supply allocations where there is identified need. Criteria based policies should be fair and should facilitate the traditional and nomadic life of travellers while respecting the interests of the settled community.

5.51 Paragraph 13 requires LPAs to ensure that traveller sites are sustainable economically, socially and environmentally by ensuring that their policies, inter alia:

(a) promote peaceful and integrated co-existence between the site and the local community;

(c) ensure that children can attend school on a regular basis;

(e) provide for proper consideration of the effect of local environmental quality (such as noise and air quality) on the health and well-being of any travellers that may be located there or on others as a result of new development;

(g) do not locate sites in areas at high risk of flooding, including functional floodplains, given the vulnerability of caravans; and

(h) reflect the extent to which traditional lifestyles (whereby some travellers live and work in the same location thereby omitting travel to work journeys) can contribute to sustainability.

5.52 **Policy C** makes clear at paragraph 14 that when assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community.

5.53 **Policy H** is specific to determining planning applications for traveller sites and makes clear that such applications must be determined in accordance with the development plan (unless material considerations indicate otherwise) and that they should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies in the Framework and in the PTTS.

5.54 Paragraph 25 sets out a number of relevant issues that must be considered:

a) the existing level of local provision and need for sites

b) the availability (or lack) of alternative accommodation for the applicants

c) other personal circumstances of the applicant

d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites

e) that they should determine applications for sites from any travellers and not just those with local connections

5.55 Paragraph 26 is specific to open countryside and states:

Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure.

5.56 Paragraph 27 makes clear that weight should be attached to:

- a) effective use of previously developed (brownfield), untidy or derelict land*
- b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness*
- c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children*
- d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.*

5.57 Paragraph 28 deals with the situation where the LPA cannot demonstrate an up-to-date 5-year supply of deliverable sites, and has been updated in this latest version. It now advises that in such circumstances the provisions of paragraph 11(d) of the NPPF apply (namely the tilted balance in favour of planning permission being granted). It further suggests that in such circumstances, local planning authorities should consider how objections can be overcome through planning conditions or an obligation. However, in this context it should be noted that this paragraph does not set aside the provisions of FN 7 to the NPPF.

5.58 The **National Planning Policy Framework** (NPPF) was last revised in December 2024, and contains specific guidance in relation to many issues. The key guidance relevant to landscape, biodiversity, and flooding issues has been identified alongside policies RE3, NE1, and CC4 above. Further references are made in section 6, when addressing the merits of what is proposed and potential reasons for refusal.

5.59 It is noted that a **draft revision to the NPPF** was released in December 2025, for consultation, which has a significantly different form and layout to the existing

Framework. As this is a draft and for consultation purposes, I give no weight to this document at this stage.

6.0 CONSIDERATION OF THE MAIN ISSUES INCLUDING PUTATIVE REASONS FOR REFUSAL

6.1 The CMC on the 7th January confirmed as the main issues:-

- 1) The suitability of the location to accommodate the development, including the impact on the domination of the settled community;
- 2) The effect of the development on the character and appearance of the surrounding countryside (national landscape and area of great landscape value designations);
- 3) The effect of the development on biodiversity, with regards to the loss of habitat and impact on protected species (Council to clarify each of these points);
- 4) The effect of the development with regards to drainage and flooding; and
- 5) Whether any other considerations would outweigh any identified harm and/or policy conflict (including, but not limited to, need for and supply of sites, personal circumstances, specific issues re Lydia Park more widely, intentional unauthorised development, personal and temporary planning permission).

6.2 These issues generally reflect the 'reasons for refusal' as set out in paragraph 6.1 of the SoC, and the reasons set out in the two enforcement notices in CW 20. The Local Planning Authority has confirmed that reason 6 could potentially be addressed by an appropriate planning condition.

6.3 These issues are considered in turn below. In relation to the list of matters grouped as issue 5, I include: the general need for (and supply of) Gypsy sites in Waverley (primary evidence by Mr Jarman) , the personal circumstances of the appellant families including the 'Best Interest of the Child' and 'Human Rights', the general picture of development at Lydia Park and how sites are used, and intentional unauthorised development. I then consider the Planning balance for each appeal and consider whether temporary planning permission would be appropriate.

Issue 1

The suitability of the location to accommodate the development, including the impact on the domination of the settled community;

- 6.4 This matches with Reason 3 in the suggested reasons for refusal:-
“The material change of use of the Land to a residential caravan site, which represents an expansion to the envelope of the existing gypsy/traveller development at Stovolds Hill is considered to dominate the nearest settled community, contrary to Policy C of the PPTS.”
- 6.5 have referred above in section 5 to paragraph 26 of the PPTS and advice that ‘*Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan*’ For the avoidance of doubt, the pitches occupied by gypsies and travellers at Lydia Park do not form an existing settlement, and none of the land there is allocated for development. The second part of Para 26 to the PPTS advises that “*sites in rural areas should respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure*”. *This repeats para 14 of Policy C.*
- 6.6 The area around the site is an area of open countryside, within which are situated a group of about 20 houses, accessed from Stovolds hill and at Thatched House Farm . This group of houses is not atypical of many small rural communities. With the exception of Thatched House Farm, all of these share Stovolds Hill as their address and for access. Some, but not all, are visible from Stovolds Hill itself. Within this wider setting, the existing gypsy sites at Lydia Park already have a pronounced and significant impact, primarily because of their prominence for anyone passing along Stovolds Hill, but also due to the overall identifiable extent of the over 130 permitted pitches , and the volume of activity associated with so many families living here. This community of gypsies already outnumbers the traditional residents of Stovolds Hill by a ratio of approximately 6:1.
- 6.7 However, the impact of those existing (lawful) sites has to date been contained within several phases of development, all to the south of the access track. Prior to 2021

this track, the watercourse, and the associated tree line, provided a significant spatial and physical boundary to such development. In contrast the development of pitches 1 and 2 has resulted in the removal of a significant length of the watercourse and tree line, which previously screened some of that development, making the original extent of Lydia Park more prominent. Additionally, the development of these two pitches now extends into a previously undeveloped open area of green space (AGLV) that was free from development. This intrusion into this open area represents a spatially significant expansion of development, beyond these (pre-existing) physical barriers. This adds to the physical extent of development, and to the imbalance in land use. It adds significantly to the spatial domination of traveller sites over the settled community. The physical impact of this is addressed in relation to issue 2.

- 6.8 Appeal decision 3297332 (Appendix WBC 12) is the only appeal decision relating to land north of the access track and confirms the Inspector's decision that 4 new plots to the north of the track would lead to the unacceptable domination of the settled community of Stovolds Hill. Attention is drawn to paragraphs 17- 24.

From paragraph 20 "I have found above that the proposal would be viewed as an extension to Lydia Park. It follows that the proposal would add four more pitches in this location. This would numerically increase the existing dominance of Lydia Park, New Acres and Hilltops. Spatially, the extent of land occupied would also increase, despite the site's location on the far side of Lydia Park from the settled community. This would be apparent as people travelled past the increased extent of sites along Stovolds Hill, despite proposed landscaping."

"In conclusion, the proposal, together with nearby gypsy and traveller sites, would dominate the settled community, contrary to PPTS Policy C as set out above."

- 6.9 It is noted that although the appeal decision makes reference to over 80 gypsy pitches, the number of pitches that now have planning permission exceeds 130.
- 6.10 Irrespective of how visible the 2 pitches proposed may be (in isolation) from Stovolds Hill these are more prominent from Dunsfold Road and local residents will be aware that the gypsy site has increased both in terms of numbers and in physical extent. There will be increased domination of this community in terms of the actual number of people, the greater spatial land use, and vehicle movements along Stovolds Hill.

- 6.11 This 'awareness' includes both local knowledge that a site has been permitted to expand, including into areas protected by planning policy, and also the awareness that people have through their wider physical knowledge of the area, including what can be seen from walking local footpaths etc.
- 6.12 Based on all of the above, I am satisfied that the developments proposed would add to the degree of domination on the settled community, and be in conflict with Policy C of the PPTS.
- 6.13 In making that judgement, I recognise that the 2 individual appeals now being considered each make smaller and differing contributions to a numerical increase. Nonetheless, each appeal would add to the numbers, and more significantly to the spatial extent of the gypsy community by extending north of the access track. Having regard to the judgement of Inspector Gilbert in Appendix WBC 12, I regard the harm caused by these 2 pitches in terms of their impact on dominating the settled community as deserving **significant weight**.
- 6.14 As an aside to the making of this judgement, I do draw attention to the aerial photos included as WBC 16 (provided by the Parish Council and by Surrey County Council), which are helpful in simply visualising the extent of the established and new pitches at Lydia Park, including the pitches subject to these appeals.

Issue 2

The effect of the development on the character and appearance of the surrounding countryside (national landscape and area of great landscape value designations);

- 6.15 This responds to Reason 2 in the suggested Reasons for Refusal:-
"The development of the Land fails to recognise or safeguard the intrinsic character and beauty of the countryside and does not respect or enhance the landscape character of the area, which is an Area of Great Landscape Value and a valued landscape within the setting of the Surrey Hills National Landscape. As such, the development conflicts with Policies AHN4, RE1 and RE3 of LPP1, Policies DM1, DM4, DM11 and DM15 of LPP2, Policies BNP-G3 and BNP-E3 of the BNP, Policies P1 and P6 of the Surrey Hills Management Plan, as well as the requirements of the NPPF."

- 6.16 In forming a view on these matters I am assisted by the evidence of Mr Ian Dudley which examines what the landscape character of the area comprises, the locations from which the development on site can be seen, views from that development to the wider surroundings, and advises on what the impacts of that development are in terms of views and character. Policy P6 is now policy P11.
- 6.17 However, I start by considering the policy context for any assessments.
- 6.18 The two appeal sites are located within the Countryside beyond the Green Belt and outside any defined settlement area.
- 6.19 Paragraph 26 of the PPTS makes clear that the development of new traveller sites should be very strictly limited in open countryside that is away from existing settlements or outside areas allocated in the development plan. Mr Dudley explains the importance of the area as an area of open countryside.
- 6.20 Policy RE1 of LPP1 states that in this area the intrinsic character and beauty of the countryside will be recognised and safeguarded in accordance with the NPPF. This protection applies generally to the countryside.
- 6.21 The NPPF at paragraph 187 places a duty on the decision maker to ensure that decisions should contribute to and enhance the natural and local environment by, [inter alia]:
- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); and
 - b) recognising the intrinsic character and beauty of the countryside,-
- 6.22 In landscape terms the land around the appeal sites is recognised as a valued landscape by its designation in the Local Plan as an Area of Great Landscape Value (AGLV). Consequently, the NPPF requires not only recognition of its intrinsic character and beauty, but additionally its protection and enhancement.

- 6.23 Policy RE3 of LPP1 provides additional recognition to the landscapes that provide a setting to the AONB (National Landscape) and areas protected as AGLV. Here, development must respect and where appropriate, enhance the character of the landscape in which it is located, commensurate with its designation as a local landscape designation.
- 6.24 I deal with the issue of need for sites later in this evidence but it is pertinent to note here that the need for new sites has been addressed through the local plan process and specifically prior to the adoption of the LPP2 in March 2023.
- 6.25 This suggested reason for refusal criticises the Impact of development upon the countryside, the AGLV and the setting of the nearby AONB.
- 6.26 The objections to the development are set out in the Councils Statements of Case. This explains the expansion of pitches for Travellers at Lydia Park since 2017 (see Table 3 and Appendix CW 7A). However, the common feature of all of those permissions was that none of these breached the concrete access track, meaning that development was limited to the southern side of the watercourse and of the established tree line, as identified in aerial photos of the site in 2018 (see Ian Dudley Figure 3 – appeal for pitch 1). Moreover, several of the planning permissions granted have included new hedges and other landscape planting within the northern sections of those sites granted planning permission, which (when implemented) would add to the depth of greenery along this northern edge.
- 6.27 As an aside, in assessing the impact of these permitted schemes, regard should be had to the development that has been permitted (at Lydia Park), and not to the development that has actually been undertaken on various of these sites, some of which is unlawful and not in accordance with the planning permissions granted. (see Section 7, later in this evidence).
- 6.28 The two developments now proposed, and existing on site, are both situated to the north of the track. Creating this development has required the removal of mature trees, the filling in of a watercourse and associated loss of vegetation. This former watercourse is now buried beneath the southern part of pitch 1 and beneath part of

the access to pitch 2). There has also been a loss of vegetation over the extent of the sites themselves. Together these features previously formed part of the landscape screen to the extended area of Lydia Park. As a consequence, the visual impact is twofold. First the works undertaken have removed a section of the visual screen that previously existed, meaning that many of the developments on Lydia Park (whether unlawful or in accordance with the planning permission granted) are significantly more visible (viewed from the north). Secondly, these developments have cleared ground cover across the whole of the two sites, and laid large areas of hardstanding, removing the natural green appearance of those sites. In addition, the sites are now occupied by static caravans and surrounded by substantial fences that already give these sites a 'developed appearance'. This has a significant impact on the former landscape.

- 6.29 Whilst the applications propose a significant reduction in the areas of hardstanding and alternative boundary treatment (compared to what currently exists), the hardstandings that would remain, the static caravans on pitch 2, static caravan and day room on pitch 1, would still be prominent features in the otherwise green landscape to the north of the track.
- 6.30 Whilst recognising that there are other sites (Appeals A-D) that also impact on this land (north of the track), these are unlawful and not a legitimate feature of the landscape. In simple terms, the legitimate consideration for an Inspector is to regard the land to the north of the access track as an area of uninterrupted natural vegetation, that forms part of a wide green area, separated from the sites to the south by a line of mature trees; and leading into the National Landscape to the north. Mr Dudley provides a more details about landscape character. The significant strips of development that now break up and dominate the previous landscape, are an unlawful extension to the developed areas to the south. The additional development proposed in the two applications adds to the dominance of development within this landscape.
- 6.31 Pitch 1 and pitch 2 each form about $\frac{1}{4}$ (collectively $\frac{1}{2}$) of the large rectangle of hardstanding that extends north from the access track and into the area of previously undeveloped fields to the north. The two sites are currently devoid of natural vegetation and have no screening.

- 6.32 Application WA/2020/1382 also proposed the location of 4 pitches to the north of the concrete access road, on the corner site immediately to the west of Stovolds Hill, and approximately 200m to the east of sites C and D. This site is in the field immediately to the east of that now containing sites B, C and D. It has some similarities with the land around the appeal sites. The appeal, ref APP/R3650/W/22/3297332 (Appendix WBC 12) was dismissed in September 2022, with the ‘the effect of the proposal on the character and appearance of the area’ as one issue for consideration.
- 6.33 Attention is drawn to the Inspector’s findings in para 11, that:-
- “This would introduce an element of visual intrusion in an otherwise open field, thereby clearly encroaching on the countryside. This encroachment would be reinforced by the likely form, design and appearance of the static mobiles and touring caravans. This would cause harm to the character and appearance of the area.”*
- Whilst in the case of that appeal the Inspector was assessing what the impacts were likely to be, in the case of the two current appeals this harm can be clearly identified. Whilst sites C and D are part of another appeal process, the linear nature of the 4 sites in this rectangular strip of land protruding towards the National landscape boundary highlights the intrusive nature of the development that exists.
- 6.34 In paragraph 16 the Inspector concluded that the four pitches proposed would have an unacceptable effect on the character and appearance of the area, and conflict with LPP1 Policy RE1, and with para 174 of the NPPF.
- 6.35 In reading the appeal decision I note that in that case the Council did not give priority to the impact of development on the AGLV and AONB, focusing instead on the harm caused to the character and appearance of the area. This was the basis of the Inspector’s decision (paragraph 9). Hence the assessment of harm was not focused on the site’s designation as an AGLV.
- 6.36 It is clear from the reason now being suggested to the Inspector that the Council is giving importance to the AGLV in relation to these two appeal sites. I support these reasons in now identifying that there will be a significant impact on both the AGLV and AONB/National Landscape. Policy RE3 of LPP1 sets out that new development must respect and where appropriate, enhance the character of the landscape in which

it is located, commensurate with its local landscape designation. Both the developments proposed fail to do this.

- 6.37 Para 6.19 above refers to the duty imposed by para 187 of the NPPF to protect and enhance valued landscapes and to recognise the intrinsic character and beauty of the countryside. Both developments fail to do this.
- 6.38 I have seen personally that the two appeal sites are visible and identifiable from (parts of) Dunsfold Road, from sections of the footpaths leading up to Hascombe Hill, and in glimpse views from Hascombe Hill itself, with many of these viewpoints being part of the National Landscape. Although the two sites are partly hidden behind other unlawful sites (A-D) they are identifiable in the foreground to the larger area of development behind on Lydia Park. However, in assessing the impact of these views, I defer to the evidence of Mr Dudley, who considers the character and visual qualities of the appeal site, the surrounding landscape within the AGLV and the National Landscape prior to development; assesses the changes brought about by what has happened and what is proposed on the two sites; and then assesses the impact of this on the landscape and on the setting of the National Landscape.
- 6.39 Mr Dudley produces 2 proofs with one referring to each of the two appeals sites. As the two sites are joining and similar in the form of development, it is not surprising that his assessment of both sites is consistent in relation to both the landscape effects and visual effects. I refer to those findings below
- 6.40 However, before commenting on Mr Dudley's findings. I am grateful to his cogent references to the emphasis on landscape issues as set out in the NPPF (ID paragraphs 2.1 to 2.5), and the various policies of the development plan (paragraphs 2.6 to 2.16), including the Bramley Neighbourhood Plan (paragraphs 2.17 to 2.19) and the Surrey Hills National Landscape Management Plan (paragraphs 2.20 – 2.27).
- 6.41 In Section 3, Mr Dudley sets out a summary of the Low Weald National Character Area. and the Low Weald Landscape Type and concludes that the site and its setting was strongly representative of this (paragraphs 3.4 and 3.8), and that the area around the site(s) makes a strong contribution to the overall character of this landscape type. (paragraph 3.10). I note Mr Dudley's comparison of the site baseline condition compared to what now exists and to what is proposed (paragraphs 3.21 to 3.25) and

his overview of the site's wider landscape setting. This analysis is followed by his formal appraisal of the 'landscape effects' in Section 4 and 'visual effects' (in section 5).

- 6.42 Attention is drawn to the two summaries of Landscape Effects at paragraphs 4.32 on page 28 and of Visual Effects at paragraph 5.24 on page 34 (of each document).

Summary of Landscaped Effects

(4.32) The landscape effects anticipated to arise from the proposed development are summarised as follows:

- Overall character of the Site: **Major adverse**.
- Immediate presence of Lydia Park to the south: **Moderate/Minor to Minor Adverse**.
- Wider open field to the north: **Major Adverse**.
- Relationship with Surrey Hills Area of Outstanding Natural Beauty: **Major Adverse**

Summary of Visual effects

(5.24) The visual effects anticipated to arise from the proposed development are summarised as follows:

- Users of Public Footpath Hascombe 279: **Moderate adverse**.
- Users of Public Footpath Bramley 277: **Major/Moderate adverse**.
- Users of Dunsfold Road: **Major to Major/Moderate adverse**.

- 6.43 I agree. In my view the works already undertaken have already had an adverse impact visually on the wider landscape, and on the countryside around the site (the AGLV). The (minimal) landscaping details proposed (or achievable) within the application sites, would not be capable of mitigating this harm.

- 6.44 Given this level of harm, there is a clear conflict with paragraphs 187a) and b) and 189 of the NPPF, and with policies RE3 i) and ii), AHN 4, DM1, DM4, DM 11, the Bramley Neighbourhood Plan Policy G3, and the Surrey Hills Management Plan Policies P1 and P11. There is harm to both the AGLV and to the setting of the National Landscape.

- 6.45 Paragraph 189 of the NPPF makes very clear that great weight should be given to conserving and enhancing landscape and scenic beauty in National Landscapes, and that development within their setting should be designed and located to avoid or

minimise adverse impacts. Both proposals clearly fail to do this, such that this is a strong reason to refuse development. Based on this guidance and other harms identified above I attach **very substantial weight** to the adverse impact on landscape character, **very substantial weight** to the impact of the development on landscape views, and also **very substantial weight** to the specific harm caused to the setting of the National Landscape. I attach **additional weight** to the conflict with the landscape policies.

Issue 3

The effect of the development on biodiversity, with regards to the loss of habitat and impact on protected species.

- 6.46 This relates to suggested reason 5 in the SoC
- “5. The development of the Land has been undertaken without regard to the likely impacts on the ecology of the Land, including the impact caused by deciduous woodland (Priority Habitat). In the absence of information relating to the ecology impacts of the development on the ecology of the site, the Council is unable to consider that scale of harm to ecology caused, or the potential impact on protected species. The development therefore conflicts with Policies AHN4, NE1 and NE2 and CC2 of the LPP1, Policy DM1 and DM11 of LPP2 and the requirements of the NPPF”
- 6.47 The SoC provided by the Local Planning Authority explains that development undertaken on both pitches has resulted in the entirety of both pitches now comprising areas of hardstanding, replacing the habitats that existed prior to that development. These included a stream corridor and associated broadleaved trees, and a larger area of grassland. The evidence of Mr Sibbett provides an appraisal of the habitats that were likely to have been present before this development, and the importance of these losses. In such circumstances, where substantial harm is caused, guidance in the NPPF makes clear that planning permission should be refused (NPPF para 193).
- 6.48 It is noted that both applications suggest that the areas of hardstanding on site would be reduced, and fences removed, with new (undefined) areas of ‘green’ on the plans and hedgerows instead of the existing fences. Notwithstanding the significant works that would be necessary to achieve this reduced scale of development, the works proposed would still represent a significant loss of the habitats that previously existed,

especially the previous corridor of trees and watercourse, and it is impracticable that the areas of green proposed on the block plans would compensate for these losses.

- 6.49 Notwithstanding the loss of the specific habitats referred to above, the larger area of land to the north of the access track is understood to be suitable for Wood White Butterflies, which are a priority species. Para 192 (a) of the NPPF makes clear that wildlife corridors should be safeguarded, and (b) that priority species should be protected and their recovery promoted. The creation of the hardstandings on both sites, and residential occupation as proposed, is in conflict with both aims.
- 6.50 The Statement of Case (SoC) identifies that there is no Ecology report for pitch 1 and that the report for pitch 2 is out of date, but more importantly, that this relates to a different site and refers to a baseline after the hardstanding had been laid. Neither application includes any assessment of the habitats on the two sites before development took place.
- 6.51 The relevance of ecology and damage done by development on site is referred to on pages 22 and 23 of the enforcement report for pitch 1 (see WBC 1) and pages 22-24 of the report for pitch 2 (see WBC 2). More details are provided by Mr Sibbett and I agree with this evidence.
- 6.52 As both applications are retrospect (in relation to the laying of hardstanding) the evidence now provided by Mr Sibbett also post-dates the development on site, but seeks to consider those habitats that were present beforehand, and the consequences to ecology of the works that have taken place.
- 6.53 Attention is drawn to the following details from the evidence of Mr Sibbett.
- 6.54 In Section 4 he addresses the correct baseline when considering the ecological importance of the site and provides a summary of the data available including the data submitted with these and other appeals, aerial photographs, Magic Map, and his own observation of the habitats available on adjoining areas of rough grassland, and mixed deciduous woodland (see paragraphs 4.19- 4.23).
- 6.55 In Section 5 he considers the likely impacts of the development on the two sites upon the pre-existing habitats and species and the importance of those habitats that have

been lost. He identifies a conflict with policies NE1 and NE2 and also with guidance in the NPPF.

- 6.56 In his conclusion, in Section 6, he advises on the losses of habitat being significant at parish and borough wide scale. This loss of habitat may also have resulted in the loss of a range of animal species, including Wood White Butterflies. The loss of habitat, is contrary to policy. However, the lack of information about the sites, prior to development, means that it is impossible to make informed choices on how certain species have been impacted.
- 6.57 Policy NE1 requires development to conserve and enhance biodiversity. The works already undertaken have removed large areas of natural habitat, have changed the natural drainage regime across the various sites (in the case of pitch 2 this includes the access works included in pitch 1 but necessary to pitch 2), with very limited opportunity to mitigate any of what has been lost. There is a clear conflict with the policy, and with the NPPF (paras 187 (a and d), and 189).confirm these refs. Para 193 a) provides clear guidance that the applications should be refused.
- 6.58 Given these details there is a clear conflict with guidance within the NPPF, with policies NE1 and NE2, and the significant loss of habitats on the sites. I attach **very substantial weight** to the total loss of habitats across the two sites and **substantial weight** to the possible loss of species on site, with **additional weight** to the breach of these two policies.

Issue 4

The effect of the development with regards to drainage and flooding;

- 6.59 This responds to suggested reason 4 for refusal in the SOC.

“With the absence of any site-specific evidence submitted to the contrary, the development undertaken on the Land is a highly vulnerable form of development deemed to be highly susceptible to risk from surface water flooding. The local planning authority is unable to conclude that the development would not significantly harm the living conditions of occupiers due to the risk of flooding and so undermines wider consideration of public safety contrary to the relevant requirements of Policies AHN4, CC1 and CC4 of LPP1, Policy DM1 of LPP2 and the requirements of the NPPF.

- 6.60 Both Enforcement Reports (WBC1 and 2) include a substantial section relating to Flood Risk, Identify that the sites are within an area with a high risk of surface water flooding, include references to paras 175 to 178 of the NPPF, and highlight the need for a sequential test and a site specific flood risk assessment before planning permission can be granted. They include a copy of the EA plan and photographs of one flood event in 2024, that show standing /flowing water one pitch 1, on the access drive to pitch 2, and over the access track. The report also advises that no flood risk assessment has been undertaken or any flood risk documentation provided.
- 6.61 Notwithstanding these details, neither application addresses the details of flooding (as required by the NPPF), despite the proposals that caravans will be located within or close to areas at risk of flooding, that the access to both pitches involves crossing land known to have flooded in 2024, and the prospect that the works undertaken and proposed (involving unknown quantities of hardstanding, and the removal of a watercourse) are likely to have made the situation on site worse rather than better, and also to have increased flooding elsewhere. No further details were submitted with the appeals.
- 6.62 As currently laid out, pitch 1 has its own access to the south, across the line of the former watercourse. Pitch 2 relies for access on the access drive to the east. The applications propose access to both sites from this access drive. No details have been provided of the works undertaken, and no details provided of new drainage works proposed in the applications. Hence the details below focus on what is known about the sites and the associated drainage.

The risks of flooding

- 6.63 The evidence of Mark Smyth sets out details of the two appeal sites and the wider drainage regime in the area in section 3 of his evidence, and the addresses the details provided by the EA in relation to known flood data . Based on the EA flood maps in December 2024, , both appeal sites are now shown to be in Flood Zone 1 in relation to fluvial flooding, but to lie significantly within an area of ‘High Risk’ in terms of surface water flooding. A copy of the appropriate flood map is included in his evidence as Figures 4 and 5. These supersede details in Appendix WBC 6. This indicates a clear corridor of high-risk surface water flooding across pitches 1 and 2, with a flood frequency of 1:30 years.

- 6.64 Given this high risk of flooding, he then sets out the more recent data only available in January 2026, that shows the level of hazards associated with such flooding, with figures 7 – 9 showing the varying levels of hazard. These hazard maps include a large part of both sites. At 3.44 of his evidence Mr Smyth advises that this represents a significant flood risk to residents, including a risk to life and significant risk to property and possessions. It is noteworthy that caravans are a highly vulnerable to flooding, And that paragraph 13G of the PPTS aAdvises against locating sites in areas at high risk of flooding. Given the particular vulnerability of caravans.
- 6.65 It is to be noted that these details are based on LIDAR data about the sites in 2019, and prior to the raising of levels across most of the sites, or the infilling of the watercourse. Hence these details show the risks of flooding, and the hazards resulting from this, with the watercourse still in operation.
- 6.66 Paragraphs 3.1 to 3.10 of the evidence from Mr Smyth advises of the works undertaken on each site, including the rising of levels, infilling of the watercourse and erection of fencing and other items. These works will have changed the drainage regime across the land, including both appeal sites, and the access road. No details have been provided about these works, but the effect of these can clearly be seen on both sites. More details of when these works were undertaken are provided in the two enforcement reports, and in the photos in appendices WBC 8 and 9. The enforcement reports at WBC 1 and 2 indicate that this work started in June 2021. However, the photo taken on pitch 1 in October 2022 clarifies that part of the watercourse still existed in October 2022. The area of the watercourse shown is now part of pitch 1 and enclosed behind the southern boundary fence.
- 6.67 Mr Smyth's evidence and the enforcement reports (WBC 1 and 2 pages 20-21) both refer to a flooding incident in November 2024, which post-dated the filling of the watercourse and other works to the access track. A large part of the access track and also parts of pitch 1 were flooded. Two photos are included. This followed one period of heavy rain. Whilst this relates to one incident, it endorses the belief that land close to this former watercourse is now liable to significant flooding. The rainfall in November 2025 had a frequency of approximately 1:3 years indicating a much more frequent risk (but lower intensity) than 1:30 years. The evidence of this one incident suggests that works undertaken to the watercourse, including works on pitch

1 and the access to pitch 2, has increased the risk of flooding on both appeal sites, along a large section of the access track, and on Stovolds Hill itself. This has increased the risk to residents of the appeal sites, to all other users of the access track and to other users of Stovolds Hill Road.

- 6.68 In the first part of Section 8 Mr Smyth advises on the section of watercourse that has been removed and the potential loss of capacity by what can be seen as a replacement culvert along part of its length. Whilst very few details are available, the evidence suggests that a very large volume of water is no longer able to use the watercourse, or the replacement pipe, and hence will flood. The consequences of this will be that substantially greater volumes of water than predicted by the EA will now flood across the appeal sites and the access road, and present a much hazard, to occupants, on a more frequent recurrence.
- 6.69 Although the greatest impact on flooding on site has very likely been caused by the filling of the watercourse, the laying of the hardstandings across a large area, and enclosure of the sites by close boarded fencing, is also likely to have an impact on drainage and flood waters.

Overall impacts

- 6.70 Even if the watercourse still existed, both sites are now within an area at high risk of surface water flooding and therefore unsuitable for the development proposed, irrespective of any works undertaken.
- 6.71 The removal of the watercourse on pitch 1 (and across the access to pitch 2) has in itself increased the risk of flooding on both sites and elsewhere.
- 6.72 It is noted that the closure of the watercourse on the appeal sites is part of a wider pattern of works undertaken which includes the removal of the same watercourse on adjacent areas of land. These areas are beyond the applicants' control, suggesting that even if the watercourse could be re-instated on the two sites (or alternative means installed) this would not address the increased risks caused by these other works. Hence this issue cannot be dealt with by a planning condition. In any event, these (significant) works are not included in the planning applications.

6.73 Policy CC4 is set out in section 5 (para 5.19). The policy requires new development to be located and laid out to ensure that the risk of flooding is minimised, and should not increase flooding elsewhere. Where a site is in an area at risk of flooding from any source, that development should first pass the sequential, and exception tests. Paragraph 181 of the NPPF requires local planning authorities to ensure that flooding is not increased elsewhere. Where a site specific flood risk assessment is submitted, development should only be allowed (in areas that risk of flooding), if 5 criteria can be demonstrated. These include that the most vulnerable development is located in areas at lowest risk., that any residual risks can be safely managed, and that there are safe access and escape routes.

The need for a sequential test

6.74 I have set out in section 5 the relevant guidance from the NPPF relating to the need for a sequential test (paras 173-176) and that development in areas at risk of flooding should not be permitted unless a sequential test has been passed. Mt Smyth explains the reason for the revised wording in para 175 introduced in December 2024. Neither applications or appeals provide a sequential test. Given the high risks of flooding that are evidenced by Mr. Smyth, and as seen in November 2024., it appears highly likely that alternative locations will offer a lower risk.

6.75 Paragraph 174 makes clear.
'Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding'.
Based on the advice in paragraph 174, the developments proposed should not be permitted.

6.76 Whilst a sequential test should consider a wide search area, it should be noted that most of Lydia Park is on higher ground and at a lower risk of flooding. This includes various sites with planning permission that are currently vacant or occupied for other purposes, and hence potentially available (FN4).

6.77 Paragraph 177 of the NPPF makes clear that the exception test only applies where it is not possible to locate development in areas at lower risk, and hence the sequential test is passed. If the sequential test were passed, then regard must be had to the exception test.

The exception test

- 6.78 There is no relevant site specific flood risk assessment to inform the exception test, but, having regard to the categories in Table 2 of the statement of case and paragraph 6.11, caravans are a highly vulnerable form of development and immediately fail the test where flooding is likely in a one in 30 year event (as shown in the EA flood maps). The data provided by Mr Smyth clearly show this to be the case. Based on this evidence, the development should not be permitted.
- 6.79 Even if this was not the case, paragraph 178 provides 2 further criteria for development that is at risk of flooding to pass.
- a) That the development would provide wider sustainable benefits to the community.
 - b) that the development will be safe for its lifetime without increasing flood risk elsewhere.
- 6.80 Having regard to a), whilst the two appeals would provide 2 pitches of benefit to the occupants, there are no significant benefits to the wider community, and the other reasons for refusal suggest a very negative overall impact.. (see appeal decision for Cufauld Lane in Appendix 17 – para 11. In this case it appears that there are significant community disbenefits caused by the increased risk of flooding off site, along the access road and on Stovolds Hill) and harms caused to landscape, to ecology, and the adverse impact on the settled community, all as set out in relation to issues 1, 2 and 3 above.
- 6.81 Having regard to b) the details provided by Mr. Smyth with regard to safety, and the Environment Agency's hazard maps, clearly demonstrate a hazard to the occupants, and an increase in flooding elsewhere outside of the site, which will present its own hazards to the wider community. Many of these risks appear to be a direct consequence of works undertaken on site. These risks will be greater to families with young children, or to occupants that have medical or mobility issues that might require rapid access to medical services.
- 6.82 The developments proposed fail each stage of these requirements, in that neither has addressed the sequential or exception tests, neither include mitigation measures, and the evidence of recent events is a clear indication that flood water are being impeded,

and in a way that impacts on the safety of other people to use the access route. No details are provided to address these issues.

- 6.83 In the absence of a sequential test or exception test being undertaken for each site., each proposal is contrary to the requirements of Policy CC4, and to the updated guidance on flooding in the NPPF. I attach **very substantial weight** to the failure to provide a sequential test (the purpose of which is to avoid development on sites with a high risk of flooding), **very substantial weight** to the effects of development in making flooding worse on site and elsewhere, **and very substantial weight** to the risks of flooding in so far as it impacts upon the safety of residents on site and other users of the access track and Stovolds Hill. Each of these reasons is a compelling reason to refuse development in its own right. I also give **significant weight** to the conflict with policy CC4.

Issue 5

Whether any other considerations would outweigh any identified harm and/or policy conflict (including, but not limited to, need for and supply of sites, personal circumstances, specific issues re Lydia Park more widely, intentional unauthorised development, personal and temporary planning permission).

- 6.84 This embraces a number of issues which I separate and deal with separately below.

-Intentional Unauthorised Development

- 6.85 This is addressed in section 7 of this evidence

-the need for and supply of sites,

- 6.86 This is addressed in section 8 of this Evidence

-specific issues re Lydia Park more widely,

- 6.87 This is also addressed in section 8 of this evidence.

-Personal Circumstances

- 6.88 These are addressed in section 9.

7.0 **INTENTIONAL UNAUTHORISED DEVELOPMENT**

7.1 Each of the enforcement reports include a history of works undertaken on site. Further details are set out in the table following para 7.9 below, and shown in the photos in appendix WBC 8 and 9.

7.2 Although none of the appeals relate to enforcement notices, both pitches include extensive engineering works (hardstandings) and are occupied. Hence the government's advice in relation to unauthorised development has relevance.

Guidance re IUD

7.3 On 31 August 2015 the Chief Planner at the Department for Communities and Local Government wrote to all Chief Planning Officers enclosing a planning policy statement which included the following:

“The government is concerned about the harm that is caused where the development of land has been undertaken in advance of obtaining planning permission. In such cases, there is no opportunity to appropriately limit or mitigate the harm that has already taken place. Such cases can involve local planning authorities having to take expensive and time consuming enforcement action.

For these reasons, this statement introduces a planning policy to make intentional unauthorised development a material consideration that would be weighed in the determination of planning applications and appeals. This policy applies to all new planning applications and appeals received from 31 August 2015.

The government is particularly concerned about harm that is caused by intentional unauthorised development in the Green Belt.

After six months we will review the situation to see whether it is delivering our objective of protecting land from intentional unauthorised development.”

7.4 This was repeated in a Written Ministerial Statement (WMS) on 17 December 2015 by Brandon Lewis.

7.5 Although the policy has not been included in the NPPF, Kit Malthouse [Minister of State (Housing, Communities and Local Government)] responded to a question from Sir Oliver Heald (MP) on the 29 October 2018, advising that:

“The Written Ministerial Statement (HCWS423) regarding Green Belt protection and intentional unauthorised development, made by my Right Hon Friend the Member for Great Yarmouth on 17 December 2015, is still a potential material consideration in a planning case.”

- 7.6 In February 2019 the publication of the ‘Government response to the consultation on powers for dealing with unauthorised development and encampments’ included the following comments on page 10, under the heading ‘Intentional unauthorised development’:

“The Government introduced a policy in 2015 to make intentional unauthorised development a material consideration in the determination of planning applications and appeals. The Written Ministerial Statement explained that the Government is concerned about the harm that is caused where the development of land has been undertaken in advance of obtaining planning permission. In such cases, there is no opportunity to appropriately limit or mitigate the harm that has already taken place. Such cases can involve local planning authorities having to take expensive and time-consuming enforcement action. The Government will consult on options for strengthening this policy, as part of ensuring that local authorities have the tools to address the effects of unauthorised development, helping to maintain confidence and fairness in the planning system.”

- 7.7 The extracts above clarify that intentional unauthorised development, and the harm that this causes, remains a material planning consideration.
- 7.8 The relevance of this policy is considered in the appeal decisions at Loddington as appended to the proof of Mr Sibbett (Appendix 7). The relevant paragraphs are 206 to 218. Attention is drawn to paragraph 211. The Inspector accepted that the policy had not been withdrawn and was satisfied that the policy remained a material consideration. In the case of that appeal the Inspector concluded that the IUD on that site should carry significant weight (para 218).
- 7.9 Whilst I make no comparison with works on that appeal site, the Inspector is asked to note the extent of works on both the current appeal sites. These developments should, in my view also carry significant weight.

Pitch 1	No change until	
22-09-2022	Replacement touring caravan.	
10-10-2022	Top dressing laid over hardcore and electrical kiosk added to western fence. Watercourse still existed to part of the southern boundary.	
13-02-2023	One pile of Rd scalplings observed on site.	
August 2023	Hard standing extended over all of pitch, including previously open section of watercourse. And covered with top dressing. Fencing replaced on West and southern sides. Brackets post and rail close brackets. new close boarded fencing to east and northern boundaries. With gate on the east side onto the access drive. Timber outbuilding added.	
01-10-2023	Lighting installed. Timber outbuilding dilapidated	
22-04-2025	New close boarded fencing erected to replace post and rail fencing. Dash. New touring caravan to replace previous caravan. Enforcement Notice Issued	
July 2025	No observable change.	
January 2026	Static caravan now stationed on site. New access opened up onto the access track	

Timing of works

7.10 The activities on site are described in detail in the two enforcement reports but the table below is provided for ease of reference. The dates provided are the dates that each activity was first observed

date	Activity, pitches 1 and 2	
Late May 2021	Initial area of hard standing laid across pitches 1 and 2. Brackets also on sites C&D close brackets. Including the infilling of part of the watercourse. And post and rail fencing.	
03/06/2021	One touring caravan on pitch one and one touring caravan on pitch 2.	
July 2021	First interim injunction granted confirming to the appellants that development on site was unlawful.	

Pitch 2		
25-05-2022	Touring caravan removed	
09-08-2022	Touring caravan and trailer on the site. Two piles of Rd scalplings. New post and rail fencing.	
22-09-2022	Two additional small chalet style caravans. new top dressing to subbase.	
10-10-2022	One small static. Caravan removed. And knew touring caravan. Timber out building erected. Electrical kiosk installed.	
03-02-2023	All caravans removed except for one touring caravan.	
August 2024	No caravans on site. Vehicles on site. New post and rail fencing to east boundary.	
01-10-2024	Touring caravan on site.	
21-01-2025	No caravans or vehicles.	
27-03-2025	Two static caravans on land. Close boarded fencing erected around pitch. Electric kiosk renewed or replaced?	
22-04-2025	No change. Enforcement Notice Issued	
July 2025	No change.	

7.11 The list of activities observed above clearly indicate a succession of activities on both sites, including the filling of the second part of the watercourse, the laying of additional hardcore and top dressing, new fences, new electrics, and the bringing of mobile homes onto the land. Most of these activities followed the Injunction, and were after the submission and refusal of the planning application for the four sites (ref WA/2021/02307).

7.12 Details of the two sites on many of these dates are shown in the sequence of photos attached as Appendix WBC 8 (taken by Council officers).

7.13 In my view, there can be little doubt that the appellants were aware of the need for planning permission after the application was submitted. In September 2021 and that such development was unacceptable after the refusal of that application on the 4th of

January 2022. The refusal was not appealed and no further applications were submitted until February 25 (pitch 1) and March 2025 (pitch 2).

- 7.14 These works have added considerably to the negative impacts of the development on the two pitches, with the additional impact area of hardstanding on pitch 1, the addition of mobile homes, and the enclosure of the two sites with close boarded fencing all adding to the visual impact of development. In addition, the removal of the remaining section of watercourse (pitch 1) and erection of close boarded fencing on both pitches, with concrete gravel boards, and probably the mobile homes themselves will likely have an impact on drainage across and around each site; potentially increasing flood risk both on and off site.
- 7.15 Government policy in relation to IUD is set out in paragraphs 7.2 – 7.5. This makes clear that works that are both harmful and which require local authorities to take expensive and time consuming action should not be encouraged and should be a negative factor in the determination of planning applications and appeals.
- 7.16 Given the extent of works that have been undertaken over a prolonged time period, and specifically including the enclosure of the two sites with CB fencing in March/April 2025, and the recent addition of mobile homes to both sites, fencing of the sites I attach **significant negative** weight to this level of IUD, and in the case of **Pitch 1** this is raised to **substantial weight** due to the additional and deliberate works to remove the remaining watercourse after October 2022, and the creation of a new access over this former watercourse (on the southern boundary) between July 2025 and January 2026.
- 7.17 The effect of this weight is addressed alongside other considerations in section 10.

8.0 THE GENERAL NEED FOR GYPSY SITES (IN WAVERLEY);

Need and provision

- In the Borough

- 8.1 The appeals are formulated on the basis of there being a need for new sites, both in terms of an overall planning need for gypsy and traveller sites, and an additional element of need based on the individual circumstances of each applicant family.

These are considered in turn below with the general level of need discussed in this section and the personal needs of each appellant in section 9.

8.2 Paragraph 7.4 of the Statement of Case refers to the details provided to the earlier Inquiry relating to sites A-D, and to figures placed before the Inspector of an need for 63 pitches against a supply of 79 pitches. This was based on the GTAA 2018 and subsequent allocations and decisions. As a correction, this round table discussion took place on the 3rd June and not in November 2024. The paragraph also refers to planning permission having been granted for 50 pitches at Lydia Park.

8.3 These details now require updating in two regards. Firstly there is a new GTAA (published in January 2026), which incorporates a Pitch Delivery Assessment and provides updated details on the need for and supply of sites in Waverley. Details of this are now provided by Mr Jarman of ORS who is the part author of that document. Secondly, I am now providing WBC 15 (Document Appendix 16 B) which is an updated version of the evidence presented in June 2025 setting out details of the permissions granted at Lydia Park and how these sites are now occupied and used. This is correct as at January 2026 and corresponds to the 13 sites that have been granted planning permission as set out in Table 3, and providing a potential 54 pitches.

General need and Supply -The GTAA

8.4 I refer here to the details as set out in the evidence of of Mr Jarman.

8.5 Paragraphs 49 and 50 refer to the GTAA and to details provided, that there is a current need for 50 pitches (to 2029/30) and an identified supply (in the PDA) of 58 pitches, having regard to the definition of sites that are available in FN4 of the PPTS.

8.6 Table 3 above lists the planning permissions that have been granted on Lydia park in the last 8-9 years, and these details of 54 pitches are agreed in the SoCG. These details are consistent with the details in the table on pages 12 and 13 of Mr Jarman's evidence.

8.7 Paragraphs 51-52 advise that 28 of the pitches available are situated on Lydia Park, that have planning permission, but are currently either vacant or occupied by non-travellers. Whilst these details of occupation are collected by the survey team for the

GTAA, they accord with the details observed and presented in Appendix CW 16B (see below).

- 8.8 Attention is drawn to the details provide in paragraphs 40 – 44 (of Mr Jarman) which explain that many of the permitted pitches at Lydia Park are in fact laid out to accommodate a significantly greater number of caravans, many of which are being advertised or are already occupied by non- travellers, for the benefit of their rental income. The Inspector is invited to observe the layout of many of these caravans at the site visit. It is unclear at present whether this observation of how the site is used is accepted by the appellants, but the Local Planning Authority can provide appropriate evidence if required.
- 8.9 Based on the findings of the GTAA and PDA it appears to me that there is a surplus of sites in supply over the identified need, and specifically that there is a considerable number of sites on Lydia Park (28 in early January 2026) that meet the definition of being available as set out in FN4 of the PPTS.)
- 8.10 Given the surplus of sites, it seems clear that no weight can be given to need being a factor in favour of allowing the two appeals, and no argument that the ‘tilted balance’ is engaged. Whilst I suggest that this is very clear, attention is drawn to footnote 7 of the NPPF that when considering the application of paragraph 11 d), the harms identified earlier, to the National Landscape, to ecology, and the risks of flooding, would each themselves prevent the tilted balance from being engaged.
- 8.11 The details above are consistent with the details provided in Appendix CW16 B, which records how land at Lydia Park is laid out and occupied. Whilst these details were initially provided for another appeal, they are entirely relevant to these appeals. The details are based partly on observation by officers at Waverley, but more significantly on details provided to the survey team who undertook the site visits and interviews for the GTAA. The Appendix includes a summary for each site of the accommodation available on each site and how this is occupied, whether by gypsy occupants, by non-travellers, or vacant. These details are then compared with the planning permission for each site, to assess which sites are laid out and occupied to provide less gypsy pitches than have been granted planning permission.

8.12 Table 6 below (and at the back of Appendix CW16B) sets out additional details for each of the sites at Lydia Park, based on details collected during the survey work for the GTAA in October and November 20225 (and other details available). This identifies the total number of pitches approved, the number of actual caravans on each site, how many of these are as 'pitches', the number of pitches or caravans occupied by gypsies, and the number of approved pitches that have not yet been occupied by gypsies. The latter includes pitches that appear to be vacant, and other areas with planning permission for various pitches but where the land is instead being occupied by an excess number of caravans that are either vacant or occupied by non-travellers. This shows a total of 28 pitches that are potentially available. The sites referred to in this table are identified on the Plan in Appendix CW 7A.. In the context of FN4 to the PPTS, these pitches have planning permission and should be considered as deliverable. The table indicates that there are (a minimum of) **28 pitches available** on Lydia Park to meet the need for gypsy pitches.

Table 6 Summary of pitches and sites at Lydia Park, occupation, and potential capacity.

Reference	No of pitches	Activity/use	Gypsy	Non G	vacant	Capacity
WA/2020/0551	7	-3 M Homes -20 Park Homes	5	18		2
WA/2025/01859 <i>Supersedes 2020/0516</i>	9 (4 additional)	East cleared West -5 Park Homes	0	0	9	9
WA/2020/0516 <i>Superseded by 2025/01859</i>	(5)	-	-	-	-	0
WA/2025/00451 Plot 41	2	-2 M Homes	2	0	0	0
WA/2021/03196 Plot 40	2	6 Park Homes 2 Day Rooms	0	6	0	2 **
WA/2019/1265 (incl /2016/0179) Plots 17-19	9	-13 P Homes -6 M Homes	6 plus1 reserved	13		2
WA/2016/0179	(6-)See WA/2019/1265	-	~	~	~	~
WA/2018/1364 (Plot 16)	1	-14 Park Homes	0	14	0	1**
Plot 15	None with pp	-7 Park Homes	1	7		0 with pp

		-1 mobile home				***
WA/2020/1866 Yellowstone	9	-31 Park Homes	2	?	?	7
WA/2021/02392 Pitches 1-5	5	-24 Park Homes	0	0	0	5
WA/2023/0443 No interviews or occupants	3	-5 Mobile Homes?	unknown	0	0	unknown
WA/2019/0515 No interviews/no access	4	Planning permission	unknown	0	0	unknown
WA/2017/0176 APP/R3650/W/17/3180635 Weeping Willow	3	8 Mobile Homes	8	0	0	0
South of Weeping Willow	None with pp	8 Mobile Homes	8	0	0	0
TOTAL	54 pitches					28

Sites marked ** appear to have additional space available with the possibility of additional pitches.

Sites marked * do not have planning permission but may have potential for planning permission to be granted if applied for (subject to consideration at the time).**

Additional sites, not included as deliverable in Table 6.

8.13 It is to be noted that Appendix CW16B also refers briefly to some of the land parcels where the number of pitches permitted is potentially less than the realistic capacity of the site (to provide pitches for gypsies) but these potential additional pitches are not included in the identified capacity figure of 28 (identified as **).

8.14 These potential additional pitches include sites with planning permissions:-

-2021/3196 – where there is planning permission for 2 pitches, neither of which are occupied by Gypsies, but 6 park homes and two day rooms present.

-2018/1364 – where there is planning permission for 1 pitch (not occupied by Gypsies) but 14 park homes present on site.

8.15 There are also some remaining areas of land that do not yet have planning permission. This includes 'plot 15' (occupied by 1 mobile home and 7 park homes, but only 1 gypsy (or family) in occupation; and also land south of Weeping Willow, which has 8 mobile homes on site occupied by 8 gypsy occupants (or families). Given that both sites are effectively surrounded by (or adjoin) other gypsy sites and are part

of the wider spatial area of 'Lydia Park' then any planning application for a small number of pitches on each site could potentially be supported.

- 8.16 Notwithstanding this potential for additional pitches, as these sites do not have planning permission these have not been included as deliverable and available in Table 6.
- 8.17 It is relevant that the GTAA (2017) identified a surplus of sites (in 2017) and that the Inspector examining LPP 2 in 2023 also recognised there to be a surplus of sites, with additional pitches allocated in the plan. Both these documents show a history of Waverley meetings it's need for Gypsy and Traveller sites. The details now provided in the GTAA 2026 confirm that the Local Planning Authority continues to have a five year supply of sites and the details in CW16 and Table 6 that there are many pitches available for occupation on Lydia Park. Accordingly, I would **give no weight** to the argument that there is a general need for these additional pitches.

9.0 RESPONSE TO APPELLANTS' COMMENTS INCL 'PROOF' OF MR ROWE

9.1 A preliminary response to the grounds of appeal was provided with the Statement of Case. As no SoCG has yet been agreed it is unclear how the appellants respond to these issues. However, a preliminary proof of Evidence has been received early from Mr Rowe, so brief comments on the issues raised are included below.

9.2 It is noted that Mr Rowe. Concentrates on three issues.

- The character of the countryside and the impact of development. Issue 2.
- The Gypsy status of the appellants.
- Other matters.

The character of the Countryside.

9.3 It appears to me that some of the content does not relate to the 2 current appeal sites, or to his clients land (Pitch 2), but to other sites.

9.4 Mr Rowe refers on pages 2 to 4 to the planning permission granted for three light industrial units at Thatched House Farm; he refers to the officers report. And adds his own comments in blue.

9.5 On Page 3, these comments seek to compare the proposed mobile homes on Pitch 2 with the three buildings in application WA/2022/2144. These buildings are described by the case officer as 'not materially different in appearance to agricultural buildings', and Mr Rowe appears to try to make the same comparison. Whilst I have not sought to evaluate that proposal in any detail, it does appear that the three buildings are constructed to a design similar to many agricultural buildings, and there is no similarity between these buildings and the 2 mobile homes (either those on the existing site, or alternatives). In landscape terms, mobile homes are not normally associated with agricultural uses, and are generally more visible and significantly more intrusive.

9.6 In relation to the blue comment on page 4, whilst the three buildings are visible, there appearance is as described above. Secondly, whilst pitch 2 is not visible from this viewpoint it is visible., albeit partly screened by other unlawful pitches, from other sections of Dunsfold Rd.

- 9.7 The condition suggested in green is noted, but it is not agreed that landscaping could be undertaken on site so as to screen the 2 mobile homes proposed to an acceptable degree, namely, the degree that is necessary to set aside the adverse impact on landscape character, and the adverse impact on views.
- 9.8 The five photos on pages five and six are noted. But it is unclear what matters these are seeking to address. It appears that the top photo on page 5 is taken from the front edge and southern boundary of appeal site B. All these photos are historic and do not represent current views on the layout of pitch 2, details of which are shown in Appendix WBC 10.
- 9.9 It is unclear to me if Mr Rowe will provide additional landscaped evidence to the Inquiry, but noted that these details do not address the impact of development on landscape character or identify the relevant viewpoints within the National Landscape from which the sites have an impact. There is no attempt to quantify the impact on the National Landscape.

Gypsy Status

- 9.10 The LPA. Has already confirmed that it does not question the gypsy status of the appellants for Pitch 2. But the additional information provided in this section is gratefully received. A more detailed response to this information is set out in appendix dealing with the personal details of the appellants.

Other Matters

- 9.11 Paragraph 2 on page 11 appears to suggest discrimination in government policy, which is not a matter that the LPA can address.

Dunsfold Aerodrome

- 9.12 The location of the garden village is addressed briefly in paragraph 7.8 of the statement of Case. Whilst it is correct that a large garden village will be built at the aerodrome., development on this scale is a slow process and the LPA does not anticipate any housing or facilities being delivered soon. More specifically, there is no allowance for any housing within the next 5 year housing land supply.

- 9.13 Of relevance, the continuation of Stovold's Hill (the road) into the aerodrome has been closed off for several years, with no direct vehicular access into the aerodrome. The current master plan does not show any specific links, north from that site into Stovolds Hill. Hence whilst that development is reasonably close geographically., any future facilities are unlikely to be easily accessible to the appeal sites.
- 9.14 It is to be noted that the plan provided on page 12 does not show the correct location for the two appeal sites, which lie to the north-west of the position shown

Ecology/Flood Risk

- 9.15 It is noted from paragraph one that these details will be provided by other consultants. But unclear why 4 appeal sites are referred to.
- 9.16 Paragraph 2 acknowledges that the site is “covered solely in permeable hardstanding and appears ecologically barren”. No details are referred to of how excess hardstandings will be removed to achieve the layout applied for, or how part might be restored to enhance biodiversity.
- 9.17 The proposed bat and bird boxes, bee bricks and log piles are a common offering to ecology for applications in urban area, but will do nothing to restore the habitats that have been lost from this site. Hence it is rejected that the grant of planning permission will lead to any meaningful improvement to landscaping or enhance biodiversity and ecology. Again, it is unclear if additional evidence will be provided but the comments make no assessment of the habitats that have been destroyed, or the importance of those losses as set out by Mr Sibbett.

Surface Water drainage

- 9.18 The measures proposed, including water butts, will not reinstate the previous drainage regime nor address the issue of surface water flooding. However, this topic is addressed in more detail by Mr. Smyth.

Planning Condition

- 9.19 The suggested planning condition is noted and will be discussed separately. However, it is questioned whether the site could accommodate vehicle turning, space (for waste vehicles) or earth mounding., as suggested., even if these were required.

10.00 THE PLANNING BALANCE

10.1 I have attributed weight to each of the main issues as discussed within each section of this proof, so focus here on simply pulling these together. This includes all the main issues, except form personal circumstances which are set out in section 11 below, having regard to the details provided and discussed confidentially. It is to be noted that the measures of weight attached do relate largely to the evidence provided or referred to within this proof, as little or no evidence has yet been provided by the appellants. Hence, I may adjust my assessment when I see the landscape, ecology, flooding evidence provided by the appellants, together with any further details in relation to need. I have used the following scale when discussing the weight to be given to each issue.

Issue 1-The impact on the settled community

10.2 I have set out my approach to this in section 6 and my findings in paragraph 6.13 -

6.13 “In making that judgement, I recognise that the 2 individual appeals now being considered each make smaller and differing contributions to a numerical increase. Nonetheless, each appeal would add to the numbers, and more significantly to the spatial extent of the gypsy community by extending north of the access track. Having regard to the judgement of Inspector Gilbert in Appendix WBC 12, I regard the harm caused by these 2 pitches in terms of their impact on dominating the settled community as deserving **significant weight**.”

Issue 2- The effect of the development on the character and appearance of the surrounding countryside including National Landscape and AGLV designations

10.3 My findings on this are set out in para 6.45

6.45 Paragraph 189 of the NPPF makes very clear that great weight should be given to conserving and enhancing landscape and scenic beauty in National Landscapes, and that development within their setting should be designed and located to avoid or minimise adverse impacts. Both proposals clearly fail to do this, such that this is a strong reason to refuse development. Based on this guidance and the other harms identified above I attach **very substantial weight** to the adverse impact on landscape character, **very substantial weight** to the impact of the development on landscape

views, and also **very substantial weight** to the specific harm caused to the setting of the National Landscape. I attach **additional weight** to the conflict with the landscape policies.

Issue 3 - The effect of the development on biodiversity, with regards to the loss of habitat and impact on protected species.

10.4 My findings on this are set out in para 6.58

6.58 Given these details there is a clear conflict with guidance within the NPPF, with policies NE1 and NE2, and the significant loss of habitats on the sites. I attach **very substantial weight** to the total loss of habitats across the two sites and **substantial weight** to the possible loss of species on site, with **additional weight** to the breach of these two policies.

Issue 4 - The effect of the development with regards to drainage and flooding;

10.5 My findings on this are set out in para 6.83

6.83 In the absence of a sequential test or exception test being undertaken for each site., each proposal is contrary to the requirements of Policy CC4, and to the updated guidance on flooding in the NPPF. I attach **very substantial weight** to the failure to provide a sequential test (the purpose of which is to avoid development on sites with a high risk of flooding), **very substantial weight** to the effects of development in making flooding worse on site and elsewhere, **and very substantial weight** to the risks of flooding in so far as it impacts upon the safety of residents on site and other users of the access track and Stovold's Hill. Each of these reasons is a compelling reason to refuse development in its own right. I also give **significant weight** to the conflict with policy CC4.

Issue 5 Other issues including intentional unauthorised development, the need for and supply of sites, specific issues re Lydia Park more widely, personal circumstances.

10.6 The issues of a personal or temporary planning permission are addressed separately in sections 11 and 12 below.

10.7 **In relation to IUD** I note that there has been extensive development on site over an extended time period, which cumulatively has added to the harms referred to above, most specifically in relation to drainage, ecology and landscape issue. These works and impacts are discussed in section 7 and in para 8.16 I advise.

7.16 Given the extent of works that have been undertaken over a prolonged time period, and specifically including the enclosure of the two sites with CB fencing in March/April 2025, and the recent addition of mobile homes to both sites, fencing of the sites I attach **significant negative** weight to this level of IUD, and in the case of **Pitch 1** this is raised to **substantial weight** due to the additional and deliberate works to remove the remaining watercourse after October 2022, and the creation of a new access over this former watercourse (on the southern boundary) between July 2025 and January 2026.

10.8 This recognises that there is very little difference between the 2 sites in relation to issues, 1, 2, or 3, but that in relation to flooding the remaining section of watercourse was more recently filled in and now sits beneath pitch 1 (rather than the access to pitch 2. However, in the absence of more details it appears that both works were damaging, and increased flood risk.

10.9 **In relation to the need for sites and supply**, my assessment is set out in paragraph 8.17.

8.17 It is relevant that the GTA A (2017) identified a surplus of sites (in 2017) and that the Inspector examining LPP 2 in 2023 also recognised there to be a surplus of sites, with additional pitches allocated in the plan. Both these documents show a history of Waverley meetings it's need for Gypsy and Traveller sites. The details now provided in the GTAA 2026 confirm that the Local Planning Authority continues to have a five year supply of sites and the details in CW16 and Table 6 that there are many pitches available for occupation on Lydia Park. Accordingly, I would **give no weight** to the argument that there is a general need for these additional pitches.

10.9 This takes into consideration the large number of pitches at Lydia park that have been granted planning permission, with the permissions implemented but many pitches not yet being occupied or being used for caravan rentals and largely not for Gypsies or Travellers to occupy.

11.0 PERSONAL CIRCUMSTANCES,

- 11.1 The two applications each deal with a specific family and the circumstances personal to that family. In both cases this includes some medical details that are confidential. Hence my response to these issues for each family is set out in two separate (confidential) appendices – WBC 18 for pitch 1 and WBC 19 for pitch 2.
- 11.2 The issue of a personal planning permission only arises if the Inspector determines that planning permission should not normally be granted, but that the personal circumstances of the appellants are such that planning permission is justified by the specific and personal circumstances of that appellant, and effectively that the appellants needs should be met on this site but no other.
- 11.3 **In the case of pitch one**, there are very significant benefits for the family to be provided with a settled base, due specifically to the medical circumstances of the son Barney. I start by giving these circumstances substantial weight, but reduce this due to the availability of other sites with planning permission, that able to accommodate the families needs, and also to the potential risks to maintaining medical support on this site due to the identified flood risks to the occupants (both on site itself and in gaining access to it). Given these risks, which are less likely elsewhere, I reduce the weight afforded to these personal circumstances to just **low weight**.
- 11.4 **In the case of pitch two**, there are very significant benefits for the family to be provided with a settled base, as a safe environment to raise their children, and to allow all four children (two when old enough) to attend local schools. I start by giving these circumstances substantial weight. However, this weight is reduced due to the availability of other sites with planning permission, that should be able to accommodate the families needs (for two mobile homes). It is also relevant that the risks of flooding that impact the site may be a specific safety issue for young children. Given these risks, which are less likely elsewhere, I reduce the weight afforded to these personal circumstances to just **low weight**.

12.0 -TEMPORARY PLANNING PERMISSION

- 12.1 The issue of a personal planning permission only arises if the Inspector determines that planning permission should not normally be granted, but that there is a specific need for accommodation on this site, which cannot be met elsewhere in the short term, but that might reasonably be met elsewhere within a temporary time frame.
- 12.2 Given the details provided in Section 8, about there being a surplus of sites in relation to need, and more specifically the large number of sites on Lydia Park with planning permission that are not occupied by gypsies, it appears to the Local Planning Authority that there are sites that have planning permission and that are available now (FN7) such that there is no justification for a temporary planning permission. Hence, I give this **negligible weight**.