EN/2025/02 & C/2021/00083

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990

(as amended)

ENFORCEMENT NOTICE

Enforcement Reference Number: EN/2025/02

ISSUED BY: WAVERLEY BOROUGH COUNCIL 'the Council'

1. ENFORCEMENT NOTICE

This is a formal notice issued by the Council because it appears there has been a breach of planning control, within paragraph (a) of section 171A(1) of the TCPA 1990, at the land described below. It is considered expedient to issue this notice, having regard to the provisions of the development plan and to all other material planning considerations. The Annex at the end of the notice and the enclosures to which it refers contain important additional information.

2. THE LAND TO WHICH THE NOTICE RELATES

'PLOT 1', LAND WEST OF STOVOLDS HILL, CRANLEIGH GU6 8UX shown edged red on the plan attached ('the Land') and registered at the Land Registry under Title Number SY521996.

3. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL

Without planning permission:

(i) The material change of use of the Land to a residential caravan site for occupation by Gypsies and Travellers.

And all the associated development facilitating the material change of use, which includes:

i) The erection of fencing on the Land;
ii) The erection of an outbuilding;
iii) The installation of services.

(ii) An engineering operation comprising the laying of hardstanding within the area outlined in red on the attached plan.

4. REASONS FOR ISSUING THIS NOTICE

The breach of planning control consisting of the material change of use of the Land constitutes development as described within S55(1) of the Town and Country Planning Act 1990 (as amended).

It appears to the Council that the breach of planning control consisting of the material change of use has occurred within the last ten years.

The breach of planning control consisting of the laying of hardstanding is an an engineering operation and constitutes development as described within S55(1) of the Town and Country Planning Act 1990 (as amended).

It appears to the Council that the breach of planning control consisting of the laying of hardstanding have occurred within the last four years.

The development subject of this notice is intentional unauthorised development.

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.

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.

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, nor result in increased flood risk eslewhere 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.

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 of LPP2 and the requirements of the NPPF.

The development of the Land as a traveller pitch fails to include adequate provision for amenity or landscaped areas, and there is no provision for play space. It is not evident how waste is managed in relation to the residential occupation of the Land. As such, the development conflicts with Policy AHN4 and TD1 of LPP1 and Policy DM37 of LPP2.

Considering the above, the unlawful development of the Land has been undertaken in conflict with Policies AHN4, RE1, RE3, TD1, NE1, NE2, CC1, CC2 and CC4 of LPP1, Policies DM1, DM4, DM11, DM15 and DM37 of LPP2, Policies BNP-G3 and BNP-E3 of the Bramley Neighbourhood Plan, Policies P1 and P6 of the Surrey Hills Management Plan, Policy C of the PPTS and the requirements of the NPPF.

5. WHAT YOU ARE REQUIRED TO DO

1) Cease the use of the Land as a residential caravan site

2) Remove from the Land:
   (i) All mobile homes/caravans and touring caravans
   (ii) All structures
   (iii) All domestic paraphernalia
   (iv) All services provided for the purposes of residential accommodation
   (v) All fencing and gates

3) Remove the hardstanding (including that constructed over and within an ordinary watercourse) in the area outlined in red on the attached plan.

4) Remove from the Land all resultant materials arising from compliance with step (3) above.

5) Restore the land to its condition before the breach took place.

6. TIME FOR COMPLIANCE

Six months

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on **30 May 2025** unless an appeal is made against it beforehand.

Dated: 22 April 2025

Signed:

Claire Upton-Brown
Assistant Director of Planning
on behalf of Waverley Borough Council, Council Offices, The Burys, Godalming, Surrey, GU7 1HR.

Nominated officer: John Bennett

Telephone number: 01483 523414

ANNEX

Waverley Borough Council has issued an Enforcement Notice relating to **'Plot 1', Land West of Stovolds Hill, Cranleigh GU6 8UX** as shown edged red on the attached ('the Land') and you are served with a copy of that notice as you have an interest in the Land. Copies of the notice have also been served on the parties listed at the end of this Annex.

YOUR RIGHT OF APPEAL

You can appeal against this enforcement notice, but any appeal must be **received** by the Planning Inspectorate (or be posted or electronically communicated at such time that, in the ordinary course of post or transmission, it would be **received** by the Planning Inspectorate) **before** the date specified in paragraph 7 of the notice.

The enclosed information sheet published by the Planning Inspectorate gives details of how to make an appeal.

GROUNDS OF APPEAL

The grounds of appeal are set out in section 174 of the TCPA 1990. You may appeal on one or more of the following grounds that:

- In respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged (ground a).
- Those matters have not occurred (ground b).
- Those matters (if they have occurred) do not constitute a breach of planning control (ground c).
- At the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters (ground d).
- Copies of the enforcement notice were not served as required by section 172 of the TCPA 1990 (ground e).
- The steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by such breach (ground f).
- Any period specified in the notice in accordance with section 173(9) of the TCPA

1990 falls short of what should reasonably be allowed (ground g).

Not all of these grounds may be relevant to you.

PLANNING APPLICATION FEE

If you wish to appeal on ground a of section 174(2) of the TCPA 1990 this is the equivalent of applying for planning permission for the development alleged in the notice and you will have to pay a fee of **£1176**. You should pay the fee to Waverly Borough Council. If the fee is not paid then that ground of appeal will not be valid.

STATEMENT ON GROUNDS OF APPEAL

If you decide to appeal, you should state in writing the ground(s) on which you are appealing against the enforcement notice and you should state briefly the facts on which you intend to rely in support of each of those grounds. If you do not do this when you make your appeal the Secretary of State will send you a notice requiring you to do so within 14 days.

STATUTORY PROVISIONS

A copy of sections 171A, 171B and 172 to 177 of the TCPA 1990 is attached for your information.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on the date specified in paragraph 7 of the notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period[s] specified in paragraph 6 of the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.

RECIPIENTS OF THE ENFORCEMENT NOTICE:

- Barney Doherty, 'Plot 1', Land West of Stovolds Hill, Cranleigh GU6 8UX
- Teresa Doherty, 'Plot 1', Land West of Stovolds Hill, Cranleigh GU6 8UX
- Barney Doherty Jr, 'Plot 1' Land West of Stovolds Hill, Cranleigh GU6 8UX
- Rose Doherty, 'Plot 1' Land West of Stovolds Hill, Cranleigh GU6 8UX
- ANTHONY MARTIN GRAY, Trys Hill Farm, Lyne Lane, Lyne, Chertsey, Surrey KT16 0AJ
- PHILIP MARTIN GRAY, of Trys Hill Farm, Lyne Lane, Lyne, Chertsey, Surrey KT16 0AJ
- Levi Williams, 'Plot 2', Land West of Stovolds Hill, Cranleigh GU6 8UX
- Mary Doherty, 'Plot 2', Land West of Stovolds Hill, Cranleigh GU6 8UX
- Michaela Williams, 'Plot 2' Land West of Stovolds Hill, Cranleigh GU6 8UX
- Matthew Doherty, 'Plot 3', Land West of Stovolds Hill, Cranleigh GU6 8UX
- Becky Stevens, 'Plot 3', Land West of Stovolds Hill, Cranleigh GU6 8UX
- Mark Doherty, 'Plot 4', Land West of Stovolds Hill, Cranleigh GU6 8UX
- Allana Doherty, 'Plot 4', Land West of Stovolds Hill, Cranleigh GU6 8UX

- The Owner, 'Plot 1', Land West of Stovolds Hill, Cranleigh GU6 8UX
- The Occupier, 'Plot 1', Land West of Stovolds Hill, Cranleigh GU6 8UX

The Planning Inspectorate

CST Room 3/13
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Direct Line 0303-444 5000

THIS IS IMPORTANT

If you want to appeal against this enforcement notice you can do it:-

- on-line at the Appeals Casework Portal (https://acp.planninginspectorate.gov.uk/); or
- by getting enforcement appeal forms by phoning us on 0303 444 5000 or by emailing us at enquiries@pins.gsi.gov.uk

You MUST make sure that we receive your appeal before the effective date on the enforcement notice.

In exceptional circumstances you may give notice of appeal by letter. You should include:-

- the name of the local planning authority;
- the site address;
- your address; and
- the effective date of the enforcement notice.

We MUST receive this before the effective date on the enforcement notice. This should **immediately** be followed by your completed appeal forms.