

DRAFT STATEMENT OF COMMON GROUND

APPEAL REFERENCES

APP/R3650/W/22/3313865

APP/R3650/W/23/3314447

APP/R3650/W/23/3322400

APP/R3650/W/22/3323108

SITE ADDRESS

LAND NORTH OF LYDIA PARK

CHANGE OF USE TO TRAVELLER PITCHES, SITING OF MOBILE HOMES,
CARAVANS, ERECTION OF DAYROOMS AND FORMATION OF
HARDSTANDING

APPELLANTS

Mr Thomas Doherty

Mr Simon Doherty

Mr Mark and Allana Doherty

Mr Matthew Doherty

LOCAL PLANNING AUTHORITY

Waverley Borough Council

DRAFT Statement of Common Ground 01st May 2025

Prepared by Waverley Borough Council- July 2024

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1. Introduction

- 1.1 The Statement of Common Ground has been prepared on behalf of Waverley Borough Council in collaboration with agents for the appellants (see below). The appeals are against refusals of planning permission made under Section 78 of the Town and Country Planning Act 1990 relating to 4 separate, adjacent areas of land to the west of Stovolds Hill.
- 1.2 Details of the 4 appeals, as agreed at the CMC on the 11th of June 2024 are included in Table 1 below. It was agreed at the CMC that the four sites would be referred to as sites A, B, C and D. These all lie to the north of a concrete access road (that connects to Stovold Hill). The area to the south of the concrete road includes a large number of existing and permitted pitches for gypsies, and it was also agreed at the CMC that this area would be referred to generally as Lydia Park.

Table 1

	Appeal ref	Planning Ref	Appellants	Site
Appeal A	APP/R3650/W/22/3313865	WA/2022/02625	Mr Thomas Doherty	Site 3, Land north of Lydia Park
Appeal B	APP/R3650/W/23/3314447	WA/2022/02766	Mr Simon Doherty	Site 2, land north of Lydia Park
Appeal C	APP/R3650/W/23/3322400	WA/2023/00371	Mr Mark and Mrs Allana Doherty	Site 1, Plot 4, land north of Lydia Park
Appeal D	APP/R3650/W/22/3323108	WA/2023/00470	Mr Matthew Doherty	Site 1, Plot 3, land north of Lydia park

- 1.3 The four appeals are scheduled to be considered at a Planning Inquiry that will take place in June 2025.
- 1.4 This SoCG sets out a summary of the matters that are agreed between the Borough Council and all 4 appellants, and also a list of those matters that are not agreed and that are likely to be relevant to the Inquiry

MATTERS THAT ARE AGREED

2.0 The Appeal Sites and Surroundings

Location

- 2.1 The four appeal sites all lie to the west of Stovolds Hill but share a common access track to that road. This track comprises a concrete roadway that is orientated approximately west to east, and is bordered on the northern side by a hedgerow with intermittent trees / narrow woodland, and by a wide ditch or watercourse. All four sites lie to the north of this concrete road, and have a connection to that road, such that the ditch and hedgeline / woodland are no longer evident where these sites connect to the roadway.
- 2.2 **Site A** is the most westerly of all the four sites, is approximately square in shape, and has a frontage onto the concrete road.
- 2.3 **Site B** (also referred to as Site 2) is situated to the east (of site A) and is separated from Site A by a narrow strip of land. This site comprises a long thin rectangle, that extends northwards from the concrete road and that has its narrow end fronting the road.
- 2.4 **Sites C and D** are situated within a second rectangular strip of land (referred to as Site1), situated approximately 25 m to the east of Site B. This also fronts onto the concrete road on its southern edge. This rectangular area (Site 1) is laid out as 4 separate fenced areas, two of which are included in these appeals. The eastern side of this strip comprises an access track.
- 2.5 **Site C** (alternatively Site 1 plot 4) is located at the northern end of Site 1 and comprises a short rectangular plot together with an access track along the east side of the site. This access track connects to the concrete road.
- 2.6 **Site D** (alternatively Site 1,plot 3) lies immediately to the south of Site C and comprises a squat rectangular site, that uses the same access track as site C to connect southwards to the concrete road.
- 2.7 Between Site D and the concrete access road, are two further fenced plots that are served by the same access track, but which have not been included in any planning application. These are excluded from the current appeal sites.
- 2.8 Development relating to all 4 appeals has commenced, and the appeals would therefore be determined part-retrospectively.

3.0 The Developments proposed

- 3.1 The note of the CMC on the 11th June (CMC2) confirmed that a consistent approach should be used for descriptions of development. These are set out below, based on the application forms:

Appeal A – Change of use of land to 1 traveller pitch including the siting of 1 mobile home and 1 touring caravan, and the formation of hardstanding.

Appeal B - Change of use of land to 3 traveller pitches including the siting of 3 mobile homes and 4 touring caravans, the erection of 3 day rooms, and the formation of hardstanding.

Appeal C - Change of use of land to 1 traveller pitch including the siting of 1 mobile home and 1 touring caravan, the erection of 1 day room and the formation of hardstanding.

Appeal D - Change of use of land to 1 traveller pitch including the siting of 1 mobile home and 1 touring caravan, the erection of 1 day room and the formation of hardstanding.”

Appeal A

3.2 The proposed Site Block Plan shows the location of 1 mobile home and 1 touring caravan.

3.3 The appeal proposals are accompanied by a number of plans for which approval is sought. These are:

- Drwg No J004232-CD-01 Site Location Plan
- Drwg No J004232-CD-02 Existing Block Plan
- Drwg No J004232-CD-03 Existing Site Plan
- Drwg No J004232-CD-04 PP Site Block Plan
- Drwg No J004232-CD-05 PP Site Plan

Appeal B

3.4 The site plan shows the long rectangular plot divided into 3 pitches and a separate parking area, and identifies the location of 3 areas of hardstanding for 3 mobile homes, the location of 3 dayrooms, and a proposed cess pit or treatment plant. The application includes details of 3 day rooms (2 different designs).

3.5 The appeal proposals are accompanied by a number of plans for which approval is sought. These are:

- Site Location Plan
- Drwg No SA-17-001 Rev B Day Room Block – proposed Floor Plans
- Drwg No SA-17-002 Day Room Block – proposed Elevations
- Drwg No SA-17-003 Rev C Site Plan
- Drwg No SA-17-005 Rev D Site Elevations
- Drwg BS412 A 100 Day Room Design

- Appeal C

3.6 The application site plan identifies the site and the proposed layout of one mobile home, one dayroom, and a caravan, together with a planted bund to the northwest. No details are provided of any (FW) drainage, or specifically of the areas of hardstanding.

3.7 The appeal proposals are accompanied by a number of plans for which approval is sought. These are:

- Site Location Plan – plot 4 location
- Block Plan – plot 4 Block

- Plans – Plot 4 Dayroom
- Detailed Plans – Day Block – Self sufficiency options

Appeal D

- 3.8 The application block plan identifies the site and the proposed layout of one mobile home, one dayroom, and a caravan. No details are provided of any (FW) drainage, or specifically of the areas of hardstanding.
- 3.9 The appeal proposals are accompanied by a number of plans for which approval is sought. These are:
- Revised Location Plan
 - Proposed Block Plan Plot 3
 - proposed Dayroom floor plans and elevations
 - proposed Dayroom– Self-sufficiency options

4.0 Other Gypsy Sites

- 4.1 The area to the south of the access road is collectively referred to within this Statement as Lydia Park. This includes a large number of gypsy and traveller sites dating back to 1994, with some recent permissions.
- 4.2 Planning permission was first granted for gypsy and traveller sites at what is referred to as Lydia Park in 1994, with the grant of planning permission for 22 pitches (allowed on appeal).
- 4.3 Since 1994 there have been a number of planning application and appeal decisions for new gypsy and traveller sites, proximate to the current appeal sites, brief details of which are included in the Table 2 below.

Table 2

Reference	Number of pitches/location	Decision
WA/2016/0179	6- Lydia Park	Allowed on appeal. Permission superseded by WA/2019/1265 below
WA/2017/0176 APP/R3650/W/17/3180635	3	Allowed on appeal
WA/2018/1364	2	Planning permission
WA/2019/0515	4	Planning permission
WA/2019/1265	9	Planning permission
WA/2020/1866	9	Planning permission
WA/2020/0551	7	Planning permission
WA/2020/0516	5	Planning permission
WA/2021/02392	5	Planning permission

WA/2023/0443	3	Planning permission
WA/2020/1382	4- land north of Lydia Park, adjoining Stovolds Hill	Appeal Refused

- 4.4 It is clearly apparent that the use of the site has intensified beyond the above.. There are no planning permission for any uses other than sites for gypsies and travellers on the land south of the concrete access road.

5.0 **Planning Policy**

- 5.1 The main policies relevant to the appeals are set out in two policy documents referred to as Local Plan pt 1 and Local Plan pt 2. The four sites are all located on land identified as countryside, and as an Area of Great landscape Value (AGLV). An extract from the local plan Proposals Map **is attached**, that shows the location of the 4 sites and the appropriate boundaries of the National Landscape and AGLV ref **SoCG Plan 2**.

- 5.2 The 4 appeal sites are not in the AONB but are all within the AGLV, which is recognised in local planning policy as providing a supporting role to the AONB. Dunsfold Road is situated 160-260m north of the appeal sites, with the land to the north of Dunsfold Road being designated as a National Landscape.

- 5.3 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

- 5.4 The Waverley Local Plan (Part 1) 2018 (LPP1) was adopted in February 2018, having been found sound by the Inspector. The policies detailed below are referred to in the refusal reasons.

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

Waverley Local Plan (Part 2) 2023

- 5.5 The Waverley Local Plan (Part 2) 2023 (LPP2) was adopted in March 2023. 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 application.

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

- 5.6 The Local Plan pt 2 had not been adopted at the time of the 4 applications being determined so these policies are not referred to in the reasons for refusal. However, it is agreed that the policies referred to above from LPpt2 are relevant and have been included in the 4 Statements of Case.
- 5.7 The Local Plan pt 2 makes a number of allocations, which includes several new sites for Gypsies and Travellers within the borough, but none on Lydia Park.
- 5.8 It is relevant that although the two plans 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), proposed to meet the requirements for gypsy and traveller sites in the borough based on the needs assessment of 2018 which pre-dates the 2024 National Policy changes.

National Policy

- 5.9 The NPPF and PPTS (December 2024) set out national guidance and are both relevant.
- 5.10 The most notable changes were to the definition of Gypsies and Travellers, being, *Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, and all other persons with a cultural tradition of nomadism or of living in a caravan, but excluding members of an organised group of travelling showpeople or circus people travelling together as such*, as well as, the emphasis within paragraph 28 of the PPTS upon the provisions in paragraph 11(d) of the NPPF now applying to Traveller sites when an LPA cannot demonstrate an up-to-date 5 year supply of deliverable sites, and the PPTS' emphasis on sustainability considerations in line with paragraph 13.

6.0 Reasons for Refusal

- 6.1 The four applications subject to appeal were submitted and determined on different dates but the reasons for refusal are similar. In all cases:-

Reason 1 refers to the sites' designation, countryside and AGLV, and landscape impact;

Reason 2 refers to the potential impact of the developments proposed on the settled community;

Reason 3 refers to Ecology;

Reason 4 refers to Flood risk.

7.0 RR1 Character and Appearance

- 7.1 The Appeal Schemes are located within an Area of Great Landscape Value (AGLV). In terms of published landscape character, they are located within the Low Weald National Character Area and overlooked by the Wealden Greensand National Character Area to the north. At a local level, they are located within the Grafham to Dunsfold Wooded Low Weald Character Area, associated with the Wooded Low Weald Landscape Type, and overlooked by the Loxhill

to Catteshail Wooded Greensand Hills Character Area associated with the Wooded Greensand Hills Landscape Type.

7.2 In addition to the above characteristics, the surroundings of the appeal site include the substantially developed Lydia Park and New Acres caravan sites. The characteristics will also be affected by the Dunsfold Park Garden Village development.

7.3 It is accepted that the developments would result in harm to the character and appearance of the area and landscape. The level of harm is disputed.

8.0 RR2 Impact on the settled community

8.1 Stovolds Hill is in effect a cul-de-sac that in addition to providing access to the appeal sites also provides access to a scattered group of about 20 dwellings, to a small industrial unit, and to adjacent farmland.

8.2 In addition to the above characteristics, Stovolds Hill features the substantially developed Lydia Park and New Acres caravan sites.

8.3 Asides from these immediate surroundings, the nearest Village is Dunsfold (~2km as the crow flies), which hosts a greater number of residential dwellings. A much larger village of Cranleigh is situated around 2.2 – 3.7km (as the crow flies) from the appeal sites.

8.4 Dunsfold Aerodrome lies around 1.1km south of the appeal site (as the crow flies), for which is an allocated site benefitting from planning permission for redevelopment to become Dunsfold Park Garden Village, which is understood to include ~1800 new homes, a new school, community centre, expanded business park, and supporting infrastructure. This is the first phase of a wider Policy to provide around 2600 new homes on the site. Based on the masterplans, the outskirts of the development would be around 1km by Stovolds Hill road from the appeal site, with the denser residential development being around 1 mile by Stovolds Hill road.

9.0 RR3 Ecology

9.1 No detailed ecology reports were submitted with the 4 planning applications. RR3 for each application refers to the lack of information in relation to Ecology.

9.2 An Ecological Impact Assessment report has since been provided for each of appeal sites B, C and D by Darwin Ecology.

9.3 In relation to appeal A, a Preliminary Ecological Appraisal was provided following the submission of the appeal which recommended follow up reports, a subsequent Ecological Walkover and HSI report, then a further Ecological Report including eDNA surveys, both prepared by Darwin Ecology, were submitted. The findings are relevant to all appeal sites.

9.4 The appellant considers the detail in support of the appeals sufficient to conclude that ecological harm can be overcome in line with the reports recommendations and the allowance for planning conditions.

9.5 The LPA consider the reports undertaken to be insufficient, dispute the reports' findings and recommendations, and consider that harm has occurred which can not be overcome by planning conditions.

10.0 RR4 Flooding

- 10.1 RR4 for each application refers to the lack of information in relation to Flooding.
- 10.2 2 separate flood risk assessments have since been provided. That from UNDA addresses sites B, C, and D, and that from Flume Consulting Engineers addresses site A.
- 10.3 The appellants consider the reporting undertaken to appropriately display that the developments would be safe in terms of flood risk, owing to appropriate planning conditions, and would not harmfully increase risk of flooding elsewhere.
- 10.4 The LPA dispute the findings of the Flood Risk Assessments, and conclude that they can not establish if and how the developments would result in increased flood risk, danger to life, damage to property or harm to the local water course and surrounding community.

11.0 Highways

- 11.1 There are no highway safety issues and no objections by the highway authority to the appeal proposal.

12 Need – General and Personal

- 12.1 The latest GTAA was undertaken in 2018 and these and other details formed part of the background papers to the preparation of the Local Plan pt 2. The latter addressed the general need for Gypsy and Traveller sites in Waverley District and allocated additional sites to meet the need identified in the Local Plan. This Plan was adopted in 2023.
- 12.2 The 2018 GTAA identified a need for 37 G and T sites that met the 2015 definition, and for 63 pitches for all others (unknown & non-Travellers).
- 12.3 Planning permission has been granted for 63 pitches since 2017 with 14 additional pitches being allocated in LPP2.
- 12.4 The PPTS requires the LPA to identify and update annually a supply of sites sufficient to provide 5 years' worth of sites.
- 12.5 In December 2023, the PPTS was revised, including a reverted Planning Policy definition of Gypsies and Travellers, reverting to the 2012 definition. These amendments were made in light of the Lisa Smith judgement handed down on 31 October 2022, which determined the PPTS 2015 to be unlawfully discriminatory.
- 12.6 In December 2024 the PPTS definition was again revised, the definition is as follows, *Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, and all other persons with a cultural tradition of nomadism or of living in a caravan, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.*
- 12.7 The PPTS now applies to all Gypsy and Traveller households irrespective of whether or not they do travel, ceased to travel, or simply are ethnically Gypsies and Travellers with a preference for residing within a Caravan.
- 12.8 A new GTAA has been commissioned by the LPA. It has not been published.
- 12.9 The application details for all 4 appeals include details of the personal health and other needs of the appellants and their respective families. These health and other needs are material

considerations in the determination of the appeals. As each site includes families with children, it is also relevant that the best interests of children are a primary consideration.

13.0 Matter of Disagreement

13.1 The following matters are in dispute:

- The level of harm in terms of landscape character and the character of the surrounding area, and whether any harm can be suitably mitigated through the landscaping measures put forward and those that could be secured by way of planning condition.
- Whether the appeal sites are within the setting of the National Landscape.
- The impact upon the settled community and whether such would be overdominating and harmful.
- Whether the developments would be safe from flood risk, with consideration also to the provision of planning conditions.
- Whether the developments would unduly impact surrounding flood risk, with consideration also to the provision of planning conditions.
- The impact from the developments on biodiversity, habitats and protected species, and if any impact can be mitigated through ecological recommendations and planning conditions.
- Whether or not there is an unmet need within the Borough.
- Whether the Borough can demonstrate an up-to-date 5 year supply of sites.
- Whether the developments are located in a sustainable location having consideration to paragraph 13 of the PPTS.
- Whether the tilted balance, owing to the provisions of 11d, is engaged.

Signed

	On behalf of Waverley Borough Council
	On behalf of the appellants for Site A
	On behalf of the appellants for Site B
	On behalf of the appellants for Site C
	On behalf of the appellants for Site D