

Waverley Borough Council

Statement of Case

Relating to Four Enforcement Appeals
for adjacent pitches on land off Stovolds Hill.

- i) Appeal Ref APP/R3650/W/25/3367392
In relation to Appeal by Mr Barney Doherty for Pitch 1,
(separate S78 appeal ref APP/R3650/W/25//3367393 - application
WA/2025/00495)

- ii) Appeal Ref APP/R3650/W/25/3366481
In relation to Appeal by Mr Levi Williams for Pitch 2,
(separate S78 appeal ref APP/R3650/W/25//3366387 - application
WA/2025/00578)

- iii) Appeal Ref APP/R3650/W/25/3366493
In relation to appeal by Mr Matthew Doherty.

- iv) Appeal Ref APP/R3650/W/25/3366483
In relation to an appeal by Mr Mark Doherty

All four appeals are made on 'ground g' only.

All four sites are on Land to the north of Lydia Park, (west of) Stovolds Hill,
Cranleigh, GU6 8LE

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Note

The appendices above up to WBC 15 are selected from those provided to the Inquiry in September relating to pitches 1 and 2 but reproduced here as relevant to the enforcement appeals. WBC 20-22 are additional.

1. INTRODUCTION

- 1.1 This Statement of Case is submitted on behalf of Waverley Borough Council (“the Council”) in respect of four linked enforcement appeals, that will be considered separately to but alongside S78 planning appeals relating to pitches 1 and 2. Hence these appeals will be dealt with based on written representations, but with a site visit made jointly with that for the planning appeals for pitches 1 and 2.
- 1.2 The planning appeals relating to pitches 1 and 2 are scheduled to be considered at a Public Inquiry in September 2026.
- 1.3 The four enforcement Notices were each issued in April 2025 and have been provided with the appeal papers. An officer report relating to each of these Notices is attached as Appendices WBC 1, WBC 2, WBC 20 and WBC 21. These reports provide substantial information about the works undertaken on each site, how these are occupied and the planning policies relevant to the development undertaken. Consequently, the Inspector is invited to consider the details in each of these reports. Appropriate sections are referenced in the details below.
- 1.4 It is relevant that there is an ongoing Inquiry into four separate planning appeals which is due to resume in June 2026. This relates to sites referred to as site A, B, C and D. However, sites C and D are the same sites as the enforcement appeals pitches 4 and 3.
- 1.5 The spatial relationship between the various sites is shown in Figure 1 below.



1.6 A summary of the various appeal sites and the relationship between these is set out in Table 1 below.

Table 1- identifying the various interrelated appeals

Inquiry in June 2026	Appellants	Pins Ref	Related appeals
Appeal site A	Thomas Doherty	APP/R3650/W/22/3313865	
Appeal site B	Simon Doherty	APP/R3650/W/23/3314447	
Appeal site C	Mark Doherty	APP/R3650/W/23/3322400	See enf appeal pitch 4 ref APP/R3650/C/25/3366483
Appeal site D	Matthew Doherty	APP/R3650/W/22/3323108	See enf appeal pitch 3 ref APP/R3650/C/25/3366493
Inquiry September			
Pitch 1	Barney Doherty	APP/R3650/C/25/3367393	See enf appeal pitch 1 ref APP/R3650/C/25/3367392

Pitch 2	Levi Williams	APP/R3650/C/25/3366387	See enf appeal pitch 2 ref APP/R3650/C/25/3367387
Enforcement Appeals			
Pitch 1	Barney Doherty	APP/R3650/C/25/3367392	See Planning Appeal – pitch 1
Pitch 2	Levi Williams	APP/R3650/C/25/3367387	See Planning appeal - Pitch 2
Pitch 3	Matthew Doherty	APP/R3650/C/25/3366493	See also planning appeal site D
Pitch 4	Mark Doherty	APP/R3650/C/25/3366483	See also planning appeal, site C

2. The Appeal Sites and wider context

The 4 appeal sites

- 2.1 The 4 (enforcement) appeal sites all lie approximately 270m west of Stovolds Hill and within a rectangle of land that extends northwards from a former concrete access road. This roadway has been widened and re-surfaced in the last 2 years and is now referred to as Crocus Lane. The rectangle of land has an access track along its eastern side, to the west of which are 4 similar sized pitches, identified from south to north as pitches 1-4. However, pitch 4 is also known as site C and pitch 3 as site D.
- 2.2 All 4 pitches are accessed from Crocus Lane with pitch 1 having direct access from its southern boundary and pitches 2-4 having access on their east sides, onto the access track and then to Crocus Lane.
- 2.3 Each of the notices refers to the laying of hardstanding and the subsequent use of each site as a residential caravan site for occupation by Gypsies and Travellers. The initial rectangular area of hardstanding that has now been divided to form pitches 1-4 was laid

in or around May 2021, with the 4 pitches subsequently divided by fences. Photos in Appendix WBC 8 show the progression of development on site over time, with additional hardstanding laid. Importantly, the area of hardstanding on pitch 1, and the construction of the access to pitches 2-4 has included the infilling of a watercourse that previously crossed the land. More details of the works undertaken on each pitch are provided in each of the enforcement reports. These works were followed by the occupation of pitches 3 and 4 in 2022. The occupation of pitches 1 and 2 is the more recent activity, and has included the provision of a new access to pitch 1 in 2026, through its southern side and closure of the access gate to the east (see Appendix WBC 10). The photos in WBC 8 show the sequence of development on all 4 sites over time.

The wider area

- 2.4 The rectangle of land referred to above as including pitches 1-4 is clearly identified in the aerial image in Figure 2 below. (see also aerial image in WBC 7. This rectangle is a distinctive feature that breaks into the landscape to the north of Crocus Lane. A similar rectangle lies approximately 20m to the west (which is appeal site B) and a smaller area approximately 20m beyond site B, which is appeal site A. These 3 rectangles are the only incursion into the countryside on the north side of Crocus Lane (with access from Crocus Lane, although there is a separate (unlawful) pitch located to the north-east, with access taken direct from Stovolds Hill).

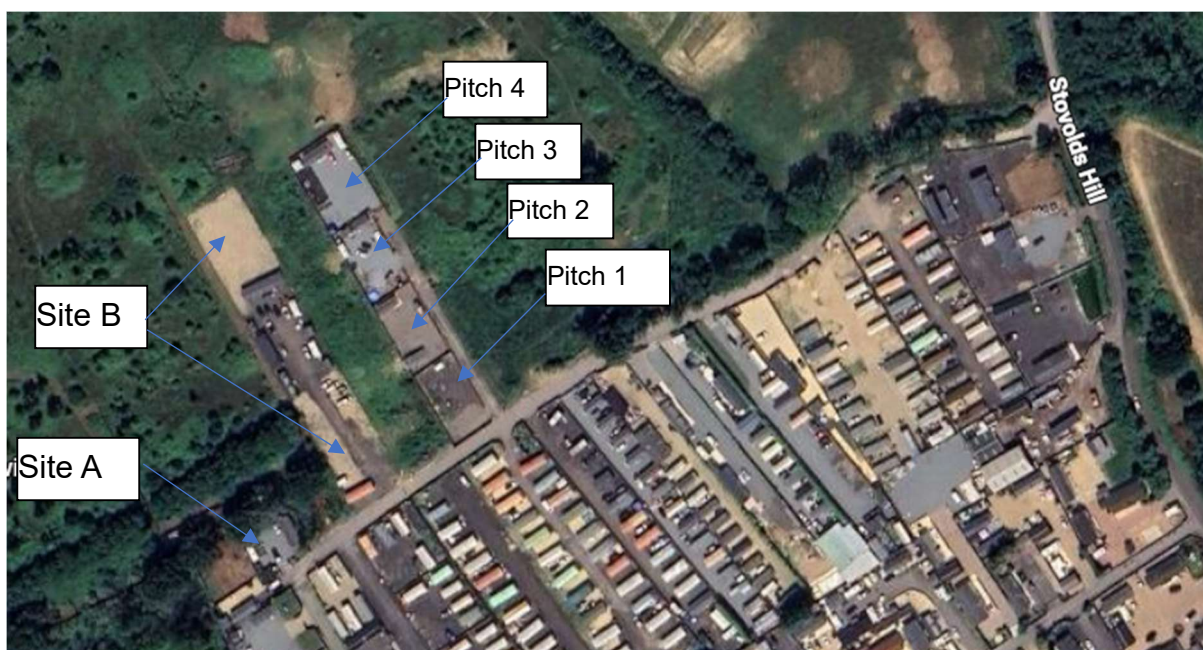


Figure 2 – showing the location of Pitches 1-4 to the north of Crocus Lane.

2.5 The area to the south of Crocus Lane now makes up a very large area of caravan sites, and it has been agreed in other appeals to refer to the area that lies to the south of Crocus Drive as Lydia Park. This area is made up of a wide mix of traveller sites that have been developed in the last 10 years plus an area of more historic sites dating back to before 2000. The historic or original area of Lydia Park lies to the south. The area between these more established sites and Crocus Lane has been added following the grant of planning permissions for a total of 59 additional pitches between 2017 and 2026. These decisions and the relevant number of pitches are illustrated on Plan WBC 10 and the individual decisions listed in Table 2 below. This table only shows the latest planning permissions for each site.

Table 2 showing the latest planning permissions that have been granted on the various sites at Lydia Park.

Application ref. no.	Application site address	Date of planning permission	No. of pitches approved
WA/2017/0176	LAND TO THE WEST OF LYDIA PARK, STOVOLDS HILL,	13/08/2018	3

	CRANLEIGH (now known as Weeping Willow)		
WA/2018/1364	LAND NORTH OF 11A LYDIA PARK, STOVOLDS HILL, CRANLEIGH	18/01/2019	1
WA/2019/0515	LAND NORTH OF LYDIA PARK CENTRED COORDINATES 502164 137703 STOVOLDS HILL CRANLEIGH	04/10/2019	4
WA/2019/1265	LAND NORTH OF LYDIA PARK CENTRED COORDINATES 502304 137787, STOVOLDS HILL, CRANLEIGH	19/02/2020	9
WA/2020/0551	LAND NORTH OF LYDIA PARK CENTRED COORDINATES 502403 137861 STOVOLDS HILL CRANLEIGH (now known as The Homestead)	14/07/2020	7
WA/2020/1866	LAND NORTH OF 12A LYDIA PARK STOVOLDS HILL CRANLEIGH (now known as Yellowstone Park)	29/11/2021	9
WA/2021/02392	LAND NORTH WEST OF LYDIA PARK STOVOLDS HILL CRANLEIGH (now known as Ranch Park)	13/07/2022	5
WA/2021/03196	1 LYDIA PARK STOVOLDS HILL CRANLEIGH GU6 8LE	27/05/2022	2
WA/2023/00443	LAND NORTH OF LYDIA PARK CENTRED COORDINATES 502164 137703 STOVOLDS HILL CRANLEIGH	15/05/2023	3
WA/2025/00451	LAND COORDINATES 502327 137818 STOVOLDS HILL CRANLEIGH	28/04/2025	2
WA/2025/01859	LAND TO THE NORTH OF LYDIA PARK PAINSHILL COPSE STOVOLDS HILL CRANLEIGH	12/11/2025	9
WA/2026/00215	RANCH PARK CROCUS LANE CRANLEIGH	23/03/2026	5
Total			59

2.6 It is the view of the Local Planning Authority that all of the planning permissions granted have now been implemented (generally by the laying of hardstanding and other features), but that whilst many of those permitted pitches have been provided, large areas are not laid out in accordance with the approved planning permissions with many

sites occupied by a far greater number of caravans than permitted. Many of these additional caravans are occupied by non-travellers on a rental basis.

- 2.7 In contrast to the land south of Crocus Lane, the land to the north (other than for the appeal sites) comprises an area of agricultural land (that is no longer actively farmed and now reverting to a natural landscape) leading up to Dunsfold Road. This area is generally free from any forms of built development, other than for a small area of commercial /industrial land that has been permitted as a microbrewery approximately 250-400m to the west.

The general landform

- 2.8 It is relevant that Crocus Lane follows the approximate alignment of a former concrete roadway/ agricultural track, that itself followed the southern side of a treeline and hedgerow, on the north side of which was a natural watercourse/wide ditch, with both the tree line and ditch crossing the landscape from west to east. These are both important features in any planning decision impacting the appeal sites, and prior to the development now subject to enforcement represented a distinctive landscape feature along the track, marking the northern limit of any development.
- 2.9 To the north of this line, the land rises very gently towards Dunsfold Road (approx. 200-350m distant) whilst to the south the landform rises more steeply through the various sites at Lydia Park and to a tree and ridgeline line approximately 200-300m to the south.
- 2.10 More details about the various sites are included in the 4 Enforcement Reports in Appendices WBC 1, 2, 8 and 9. It is to be noted that these 4 reports are substantively the same, differing only in the details of the individual plots and the families that occupy them

- 2.11 It is to be noted that although the hardstanding over pitches 1-4 was laid at the same time (immediately prior to 3rd June 2021) this has been added to over time, with additional works including fencing. This sequence of development can be seen in the photos in Appendices WBC 8 and 10

3. The 4 Enforcement appeals

- 3.1 These are submitted with the following information:-

Pitch 1 By Dr Angus Murdoch on behalf of Barney Doherty

- Appeal form
- Statement of Case /Statement of Facts and Grounds, relating to both S78 and S174 appeals
- Supporting Documents BD 1-4

- 3.2 The Enforcement Appeal is to proceed on Ground 'g' only. These details are set out in the final paragraph on page 23. This is that there is a need for a period of 2 years to minimise any interference, based on the medical and other circumstances of the family. These circumstances are summarised in pages 1-4 of the Statement of Case. Pages 4 – 7 refer to various extracts of the Court decision when considering an Injunction relating to the sites. Attention is drawn to two paragraphs of that judgement. In paragraph 112 the court had regard to the potential consequences “when there are no alternative sites available”. Table 2 above illustrates that planning permission has been granted for 59 pitches proximate to pitch 1 since 2017, and the Inspector will hear evidence on these pitches at the coincident Inquiry in September. Paragraph 119 refers to there being no final appeal decision in relation to the various pitches. Given the sequence of decisions now likely to occur, there is likely to be a final decision on the planning merits of pitches 1-4 ahead of these enforcement appeals being determined.

Pitches 2-4 By Mr Phil Rowe on behalf of Levi Williams (pitch 2) Matthew Doherty (pitch 3) and Mark Doherty (pitch 4).

- Appeal forms – one relevant to each appellant.
- Statement of Case titled “In the matter of an appeal under S78 of the T &CP ACT 1990” – “Draft Statement of Common Ground”.

3.3 This document, which is not a Statement of Common Ground, focuses on the merits of the uses proposed and therefore on the related S 78 appeals, but does include some information on personal circumstances. The ‘personal statements for each family, referred to at the top of page 2 have not been provided.

3.4 As with the appeal for pitch 1, these Enforcement Appeals are to proceed on Ground ‘g’ only. These details are set out in the final paragraph of the Conclusion on page 22, which simply indicates a wish for “a longer compliance period than 6 months so that any interference with (his) family’s accommodation and medical needs can be minimised”. No alternative time period is specified.

Enforcement Notices

3.5 These have been supplied with each of the appeals.

3.6 Each Notice was issued following a report by officers and copies of these 4 reports are included as Appendices WBC 1, 2, 8 and 9. Each report provides a detailed appraisal of the development that had been carried out on each pitch at the time that the Notices were prepared, which in all cases includes the laying of a substantial area of hardstanding, the subsequent addition of fencing (now close boarded) around the various sites, and the use of the four pitches is to provide a site for residential caravan. Each report provides details of the reasons for which each development was unacceptable, which includes a summary of the relevant development plan policies and

other guidance, consideration of the principles of development (having regard to planning policies), the lack of need for new sites, the impact on the countryside (AGLV and National Landscape), the impact of additional sites north of Crocus Land on the settled community of Stovolds Hill, the likely harm done to the ecology on site by the laying of hardstanding, and in the case of pitch 1 and access to pitches 2-4, the felling of trees and infilling of a watercourse, and the Impact of the development upon flood risk given that the sites are at high risk of flooding and that the works undertaken (specifically the filling of a the watercourse) have increased this flood risk, both for the sites themselves and for others. These issues will all be discussed in more detail in relation to the concurrent appeals for pitches 1 and 2. Although the 4 reports are substantively the same, each report does provide the details of the individual plot to which it refers, and of the persons occupying those plots.

- 3.7 These reasons remain valid and are not repeated in detail within this Statement.
- 3.8 It should be noted that each Enforcement report refers to an application submitted in July 2021, ref WA/2021/02307. This application sought planning permission for 4 pitches, similar to those that now exist, with two caravans on each pitch. The application was refused in January 2022, but no appeal made against that refusal. Instead, between June and August 2022, additional hardstanding was laid, more caravans brought onto the sites, and the pitches occupied residentially. The reasons for refusal of this application (in January 2022) are reflected in the reasons for taking enforcement action.
- 3.9 As there is no current appeal on ground 'a' against any of these notices, it is not necessary to set out the reasons for enforcement in any greater detail, but it should be noted that some of these issues are

also addressed in the documentation relating to other appeals as set out in Table 1 above. More specifically:-

Pitch 1-

- 3.10 There is a separate S78 appeal – reference APP/R3650/25/3367393 to be considered at Inquiry in September. The Local Planning Authority has submitted proofs of evidence in relation to each of the 4 reasons for refusal.

Pitch 2

- 3.11 There is a separate S78 appeal – reference APP/R3650/25/3366387 to be considered at Inquiry in September. The Local Planning Authority has submitted proofs of evidence in relation to each of the 4 reasons for refusal.

Pitch 3

- 3.12 There is a separate S78 appeal – reference APP/R3650/W/22/3323108 to be considered at Inquiry in June 2026. This is Appeal Site D and the Local Planning Authority has submitted proofs of evidence in relation to each of the 4 reasons for refusal. Copies of these documents can be provided for the Inspector if required, but have already been provided to the Agent (Mr Rowe).

Pitch 4

- 3.13 There is a separate S78 appeal – reference APP/R3650/23/3322400 to be considered at Inquiry in June 2026. This is Appeal Site D and the Local Planning Authority has submitted proofs of evidence in relation to each of the 4 reasons for refusal. Copies of these documents can be provided for the Inspector if required, but have already been provided to the Agent (Mr Rowe).
- 3.14 As the same Inspector (for these enforcement appeals) will hear the evidence in relation to the S78 appeals for pitches 1 and 2, he will

become familiar with the arguments relating to each reason for refusal (and for taking enforcement action).

3.15 Each Notice requires the following steps to remedy the breach:-

- 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
 - (vi) All lighting fixtures
- 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.

3.16 The arguments on ground 'g' for pitch 1 are set out in para 3.2 above, and for pitches 2-4 in para 3.5.

4. Local Planning Authority Response to the 4 appeals – Ground 'g'

4.1 The basis for each appeal under this ground is that the appellant families each need more time. It is to be noted that no further details are provided, in relation to how that time would be used and be a benefit to the appellants, other than simply to allow each family to remain in place (contrary to policy) for a longer period. More specifically none of the appellants identify that there are alternative sites to move to, but which have a specific timeframe for delivery.

- 4.2 In response, the LPA invite the Inspector to give consideration to each of the following matters.
- 4.3 i) The breaches on Plots 1–4 give rise to significant and ongoing harm, including: adverse landscape and countryside impact, harm to the setting of the National Landscape, harm to the character of the AGLV, unresolved flood-risk concerns, domination of the settled community, and ecological harm. These harms are present now and will continue for as long as the unauthorised development remains. A longer compliance period would simply prolong that harm.
- 4.4 ii) The site’s flood-risk issues are not theoretical – but as set out in the LPA’s evidence, the threat of flooding subsists and poses a real threat to both the occupants of the individual sites and for those living nearby. Allowing occupation to continue for an extended period would expose the appellants to avoidable risk and perpetuate an unsafe situation. Those risks may be greater for occupants with medical conditions that require proper access to the site or a reliable electrical supply.
- 4.5 In relation to the areas of hardstanding and fencing on pitch 1, and to the hardstanding that forms the access to pitches 2-4, these works have resulted in the infilling of an ordinary watercourse that crossed the land, the filling of which has increased the risk of and potential depth of flooding for all users of the original access along Crocus Lane. Only by restoring this watercourse (across the southern part of pitch 1 (including the access gates) and the access to pitches 2-4) will this flood risk be reduced.
- 4.6 iii) The LPA has already balanced the appellants’ personal circumstances, including accommodation and medical needs, against the public interest in remedying the breach. These considerations are set out in the section headed ‘Personal Circumstances, Human Rights

and the Public Sector Equality Duty ‘ within each of the 4 Enforcement Reports (WBC 1, 2, 8 and 9). A six-month period is proportionate and strikes the correct balance. Extending the period would tip that balance unfairly against the public interest.

- 4.7 iv) The LPA has identified nearby lawful alternatives that can meet the appellants’ accommodation needs. The GTAA, PDA and proof of evidence of Mr Jarman in relation to appeals 3366387 and 3367393 sets out that the Local Planning Authority has a suitable supply of sites for Gypsies and Travellers. Table 2 above refers to planning permissions that have been granted for 59 pitches at Lydia Park, and the evidence of Mr Ward in Appendix CW16B (to the September Inquiry) is that there are a large number of potential pitches with planning permission waiting to be delivered/occupied immediately to the south of Crocus Lane and within Lydia Park. This materially reduces the justification for any extended period. The appellants have not demonstrated or given any reasons why relocation within six months is unachievable.
- 4.8 v) For Plots 2–4, the appellants have not even proposed an alternative timeframe, nor provided evidence explaining why six months is insufficient. In addition, it is noted that the first static homes were brought onto Pitch 2 in March 2025, but not occupied at that time (see note of visit in Appendix WBC 21). In April 2025 there was only a touring caravan on pitch 1 (see photos in Appendix WBC 8).
- 4.9 vi) Ground (g) requires substantiated justification. Unsupported assertions cannot outweigh the public interest in prompt compliance.
- 4.10 vii) The Plot 1 request for a two-year period is, in substance, a bid for a temporary planning permission via Ground (g). Ground (g) is not a mechanism for securing a temporary permission where the planning merits have failed. Given the level of harm identified, a temporary

permission would have been unacceptable; it cannot be achieved indirectly through Ground (g).