

Waverley Borough Council
Response Note to New NPPF (August 2026)
by
Christopher Ward BA(hons), LLM, MRTPI
Relating to

Two S78 Appeals (Inquiry opening on 15th September 2026).

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

The Note is also relevant to the four enforcement appeals being considered separately, refs

APP/R3650/W/22/3313865

APP/R3650/W/23/3314447

APP/R3650/W/23/3322400

APP/R3650/W/23/3323108

1. INTRODUCTION

- 1.1 The following paragraphs respond to the request from The Inspectorate for the Local Planning Authority to respond to the guidance in the New NPPF (17th August 2026) in so far as relevant to these appeals. It is noted that this now incorporates policy guidance in relation to Gypsy and Travellers, such that the PPTS has now been superseded.
- 1.2 The new NPPF now includes a mix of policies relating to Plan Making and to Development Management, so this note focuses upon the guidance relevant to Development Management and key Policies S5 and HO12. However, other policies relevant to the main issues of landscape, ecology and flooding are identified under these topic headings in section 3 below.
- 1.3. Section 2 starts by considering the relevant guidance in relation to Sustainable Development and the location of new development (section 4 of the NPPF) and then relates this to the specific guidance in relation to the delivery of Traveller Sites (Policy HO12).
- 1.4. Section 3 considers the specific guidance relevant to Landscape, Ecology and Flooding, and the extent to which the new policies give weight to these issues.
- 1.5. Finally, Section 4 of this Note addresses the removal of former PPTS 'Policy C' from the new NPPF and the implications of this for suggested reason 3 for refusal.

2. SUSTAINABLE DEVELOPMENT AND THE LOCATION OF DEVELOPMENT

- 2.1. Section 4 of the New NPPF relates to Achieving Sustainable Development. This replaces in part guidance previously set out in Section 2 of the NPPF December 2024 (including para 11 d) – see below.
- 2.2. **Policy S3** sets out a 'presumption in favour of Sustainable Development' and advises that this is to be achieved by applying **Policy S4** to development within settlements, and **Policy S5 to development outside settlements**. Consequently, **Policy S5 applies to the appeal sites**.
- 2.3 **Policy S5** advises that only certain types of development should be approved outside settlements. These classes of development include at 1(g) 'Development which would address an evidenced unmet need for gypsy, traveller or travelling showpeople accommodation, provided it meets the criteria in Policy HO12.' In the absence of a demonstrated unmet need these requirements are not met and therefore the development should be refused permission on this basis. In any event, the policy is subject to a general caveat (S5.1) that the development should still not be approved if the benefits of doing so are substantially outweighed by any adverse effects (assessed against the DM policies in the Framework).
- 2.4 Hence to comply with S5, the development proposed must -
 - i)- provide evidence of unmet need;
 - ii)- comply with HO12; and in any event

iii)- any adverse effects must not substantially outweigh the benefits. In relation to ecology and flooding policies N2.2 and F7.2 provide that adverse effects are likely to substantially outweigh the benefits even if the requirements in S5(1)(g) are met.

Evidence of unmet need

- 2.5 Policy HO7 makes clear that the supply of homes should be based on ‘evidenced accommodation needs’, as identified through needs assessments prepared for the Local Planning Authority. In this context the relevant assessment is the GTAA 2025.
- 2.6 The evidence of the Local Planning Authority, provided by Mr Jarman, demonstrates a 5 year supply for sites and that there is no unmet need. This is summarised in the update provided to the Inquiry in August 2026, but updated in relation to the new NPPF in the attached Supplementary Note from Mr Jarman.
- 2.7 Very little ‘evidence’ to the contrary has been provided by the appellants, which for sites at Lydia Park is limited to paragraph 16 in the evidence of Barney Doherty and three letters from landowners on Lydia Park. No specific evidence has been provided to demonstrate that the appellants could not occupy one of the allocated sites, or one of the many sites at Lydia Park with planning permission but either vacant or occupied by non-travellers (See WBC 15). It should be noted that since WBC 15 was prepared in January 2026 planning permission has been granted for an additional 5 pitches at Ranch Park and to convert 4 pitches as approved on WA/2025/1859 to double pitches (ref WA/2026/00884). In the absence of any such evidence S5(1) (g) is not met.

Policy HO12

- 2.8 This refers to the location of traveller sites and has three parts.
- Part 1. Requires that a site can provide a settled base, with access to education and health facilities, but need not be well related to a settlement. The Local Planning Authority takes no issue with this.
- Part 2. Requires the Local Planning Authority /decision maker to take into account the existing level of provision, the need for additional sites, and other personal circumstances. This consideration links to the assessment of need required by Policy S5 - See paras 2.3-2.7 above.
- Part 3 addresses temporary or permanent relocation and is not relevant to these appeals.

Adverse Effects

- 2.9 These are addressed primarily in the appeals in relation to the landscape, ecology and flooding evidence provided to the Inquiry. However, IUD is also relevant.
- 2.10 The changes to guidance on these three specific issues are set out under each of the topic headings (for Landscape, Ecology, Flooding and IUD) as set out in section 3 below.

- 2.11 **Policy S5.4** provides specifically that:-
- “Development proposals which do not fall within one of the categories set out in this policy should only be approved in exceptional circumstances, where the benefits of the proposal would substantially outweigh the adverse effects, including to the character of the countryside and in relation to promoting sustainable patterns of movement.”
- 2.12 As the requirements relating to gypsy sites in S5(1)(g) are not met, S5(4) is engaged and the development should be refused as the circumstances are not exceptional, and because any benefits could not possibly be said to substantially outweigh the adverse effects, particularly when the impact on the character of the countryside is considered.
- 2.13 In addition S5(2). is specifically relevant to Ecology and Flooding. It provides that:-
- “In applying this policy (S5), the circumstances in which the benefits of approving development proposals are likely to be substantially outweighed by adverse effects include, but are not restricted to, situations where the development proposal would fail to comply with one of the national decision-making policies which state that development proposals should be refused in specific circumstances.”
- 2.14 The relevant guidance for Ecology and Flooding is set out below under the relevant headings and in the attached notes, and policies N2.2., and F7.2 are specifically relevant
- 2.15 In relation to Ecology Policy N2.2, this is a ‘development should be refused’ policy, which in turn means that under Policy S5.2 any potential benefits of development are substantially outweighed. Hence, even were the criteria in S5(1)(g) met Policy S5.2 means that permission should be refused on ecology grounds, irrespective of need.
- 2.16 In relation to flooding, Policy F7.2 (in respect of which all of criteria (a)-(e) are not met) is also a ‘development should be refused’ policy meaning that, applying S5.2, even were the S5(1)(g) criteria met, any potential benefits of development are substantially outweighed on flooding grounds.
- 2.17 Notwithstanding the effect of policies N2.2 and F7.2, and even if the provisions in S5(1)(g) were met, the raft of harms identified in the Council’s evidence establish that this is plainly a case where any benefits would be substantially outweighed.

3. POLICIES RELATING TO ADVERSE EFFECTS

Landscape

- 3.1 A separate ‘Supplementary Landscape Note’, prepared by Ian Dudley relating to the new landscape policies is attached to this update.

Ecology

- 3.2 A separate ‘Supplementary Ecology Note’, prepared by Nick Sibbett relating to the new policies on ‘Conserving and enhancing the natural environment’ (section 19) is attached to this update.
- 3.3 As explained in para 2.15 above Policy N2.2 is a ‘development should be refused’ policy.

Flooding

- 3.4 A separate 'Supplementary Flooding Note', prepared by Mark Smyth, relating to the new policies relevant to flooding is attached to this update.
- 3.5 As this Note advises that the development fails to comply with any of the requirements in F7.2, which is a development 'should be refused' policy, then this also engages Policy S5(2), such that (even if the provisions of S5(1)(g) were met) the adverse effects relating to flooding are likely to substantially outweigh any benefits.

Additional Issues raised by the new NPPF.

Intentional Unauthorised development

- 3.6 **Policy DM8** relates to 'Unauthorised Development and Enforcement' and brings into the NPPF guidance previously only set out in ministerial statements. Paragraph 2 is directly relevant and advises that when dealing with an application for retrospective development, and there is evidence that such development was intentional, then this fact should be given substantial weight in considering whether to grant planning permission. This guidance now replaces the ministerial statements set out in section 7 of the CW proof, and is relevant to the large areas of hardstanding, the filling of watercourses, and other development on each of the appeal sites. It follows that the fact that IUD has taken place should be given substantial weight against the grant of permission in each of these appeals.

Other changes

- 3.7 There are various other changes but notably:-
- **Policy TR3** now sets out the policy in relation to locating development in sustainable locations. It appears that this now relates to all forms of development, in that the guidance previously identified as specific to traveller sites (PPTS para 13 h) has been omitted. In this context it is the view of the Local Planning Authority that sustainability is a neutral consideration in these appeals.

4. THE OMISSION OF FORMER POLICY C (PPTS), RR1 AND IMPACT ON THE SETTLED COMMUNITY

- 4.1 This is relevant to Main Issue and Putative RR 3. which refers to Policy C of the PPTS (alongside para 26), which now no longer exists. There is no direct replacement for the policy in the new document.
- 4.2 Attention is drawn to the interpretation of this RR as provided by Mr Ward (main Proof paras 6.4-6.14), and as initially set out by Inspector Gilbert, that the impact on the settled community of Stovolds Hill is most notable (and unacceptable) due to the spatial increase in the extent of land occupied by travellers, caused by developments on the north side of the access track (Crocus Lane), rather than any numeric increase that is limited to the south side and to the existing boundaries of Lydia Park.
- 4.3 In terms of the spatial consequences of allowing development to the north of the track, it is pertinent that **Policy PM2** advises that it is the role of a local plan to set out the

spatial development strategy for an area, including proposals for accommodating development needs, and also for conserving and improving the environment at a local level.

- 4.4 **Policy PM8** refers to the evidence to be used in plan making, including at '3', and notes the requirement for this to be based on up to date information and data. In this context the up to date evidence of the GTAA 2025 and associated PDA is relevant.
- 4.5 **Policy HO5 c**, whilst specifically relevant to Plan Making, requires that sites for gypsies and travellers should be suitable, and have regard to the safety and amenity of both the occupants and neighbouring residents. Attention is drawn to the increased risk of flooding on Stovolds Hill caused by the developments on site, and the impact on the visual amenity of local residents using local footpaths. Both these issues have a direct impact on the local community of Stovolds Hill.

Documents attached and referred to

- Supplementary Note from S Jarman (ORS) relating to need.
- Supplementary Note from N Sibbett relating to Ecology,
- Supplementary Note from I Dudley relating to Landscape,
- Supplementary Note from M Smyth relating to Flooding.