

APPEALS BY MR. T. DOHERTY, MR. S. DOHERTY, M. M. DOHERTY, AND MR. & MRS. DOHERTY

NEED & SUPPLY REBUTTAL

at Land at Stovolds Hill, Cranleigh, GU6 8UX

April 2026

PINS Ref:

APP/R3650/W/22/3313865 &
APP/R3650/W/23/3314447 &
APP/R3650/W/23/3322400 &
APP/R3650/W/23/3323108

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CONTENTS

Section	Page
1.0 Introduction	2
2.0 The GTAA – Figures of Need	4
3.0 The PDA – The Supply of Sites	10
4.0 The NPPF Consultation – Direction of Travel	34
5.0 Relevant Appeal Decisions	36
6.0 Conclusions	43
7.0 Appendices	46

1.0 INTRODUCTION

1.1 WS Planning & Architecture have prepared this rebuttal, which will be provided by Mr. Brian Woods in respect of the four appeals made against the decisions of Waverley Borough Council (the LPA) to refuse applications for planning permission.

1.2 For completeness, the appeals are as follows,

Appeal A: APP/R3650/W/22/3313865 – Change of use of land for the creation of 1 No gypsy/traveller pitch, comprising the siting of 1 No mobile home and 1 No touring caravan with formation of hardstanding on land centred on coordinates 502107 137748, Stovolds Hill, Cranleigh (*Mr T Doherty*)

Appeal B: APP/R3650/W/23/3314447 - Change of use of land to provide 3 gypsy pitches comprising 3 chalet bungalows (static caravans) and 3 No day rooms and associated works including provision for up to 4 No touring caravans and construction of hardstanding on land centred on coordinates 502157 137845, Stovolds Hill, Cranleigh (*Mr Simon Doherty*)

Appeal C: APP/R3650/W/23/3322400 - Change of use of land for stationing of 1 No static mobile home (caravan) and 1 No touring caravan for use by one family; erection of day room and construction of hardstanding to provide parking (part retrospective) on land north of Lydia Park, Stovolds Hill, Cranleigh (*Mr Mark Doherty and Mrs Allana Doherty*)

Appeal D: APP/R3650/W/23/3323108 – Change of use of land to provide 1 gypsy pitch comprising 1 No static caravan and 1 No touring caravan, erection of day room, and construction of hardstanding to provide parking on land north of Lydia Park, Stovolds Hill, Cranleigh (*Mr Matthew Doherty*)

1.3 It is understood that Mr. Rowe, on behalf of appellants within Appeals C and D shall adopt the position provided by Mr. Woods in respect of Appellants within Appeals A and B. Accordingly, it is requested that this document be treated as a combined statement on behalf of those appellants named above.

- 1.4 In summary of the appellants position, it is submitted that the LPA cannot demonstrate an up-to-date five year supply of sites, and the evidence presented within the new Gypsy, Traveller Accommodation Assessment (GTAA) and its accompanying Pitch Deliverability Assessment (PDA) do not change the conclusions reached.

2.0 THE GTAA – FIGURES OF NEED

2.1 The LPA have published and submitted into these proceedings their GTAA December 2025.

2.2 The report sets out that the baseline date for the study is September 2025. As such, presuming interviews and assessments were conducted after that date, or during that month, they should record assessments of persons against the Planning Policy for Traveller Sites December 2024 definition of Traveller, which is:

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.

2.3 Emphasis has been placed on two points.

2.4 Firstly, the Planning Policy definition does not solely apply to persons whom are ethnically Gypsies and Travellers. Therefore, there can be, nor should there ever have been, a presumption of “non-traveller status” based on appearance, religion, ethnic background, etc. The PPTS definition has included this wording since its publication in March 2015.

2.5 Secondly, to meet the Planning Policy definition of a Traveller a person does not need to lead a nomadic way of life, nor ever have done. They need only to have a cultural tradition of such, **or** of living in a caravan. The definition does not require a person to live in a caravan, nor be an ethnic Gypsy or Traveller. Whilst that may not be the intent of the policy approach, it is the effect of the definition.

2.6 This position is one that appears accepted by Planning Inspector's also, noting the decision made by Inspector Diane Lewis in respect of APP/W3520/X/25/3370693, albeit specific to the definition applied through wording of a condition on a planning permission dated from 1985. A copy is attached at **Appendix 1**.

2.7 Reference is drawn to this decision, and the following paragraphs,

- “24. The meaning or definition of gypsies and travellers in policy guidance has evolved over the years, often in response to court judgements and statutory obligations and duties. This appeal is concerned only with the wording used in the 1985 permission.**
- 25. At the time of granting permission, the local planning authority decided, by relying specifically on section 16 of the 1968 Act, to restrict occupation of the caravans and bungalow on the site to *“persons of nomadic habit of life, whatever their race or origin, but does not include members of an organised group of travelling showmen or persons engaged in travelling circuses, travelling together as such.”***
- 26. There is no debate to be had over the exclusion of travelling showpeople and the main interest is in understanding the term ‘persons of nomadic habit of life’ and who may comply with this description. The appellant, with reference to the reason for condition 1, submitted that the 1985 permission provided for the needs of the traditional travelling community, the traditional and cultural gypsies who had limited accommodation options and were a highly disadvantaged section of society. The permission was not for the benefit of people who had a nomadic habit of life because they travelled away from home to work and needed low cost accommodation, such as workers on construction sites.**
- 27. Case law provides assistance in respect of the definition as worded in condition 1. Whether a person is of nomadic way of life is a functional test to be applied to their way of life at the time of the determination. The travelling or nomadism must be a habit of life, implying travelling is a custom, a lifestyle. The travelling may follow a pattern and rhythm. Whether a person comes from a traditional gypsy background and has travelled in the past may be relevant circumstances. A recurring theme is that there must be a connection between the travelling and the seeking and making a livelihood. The essential connection**

between wandering and working indicates the definition does not embrace people who travel to pre-arranged work. A gypsy may have no fixed abode and no fixed employment and so lives in a caravan. However, the definition does not require a person to live in a caravan. Whether a person does so is capable of being a relevant factor but is not essential. It has been accepted that a gypsy within the definition given by the statute may have a permanent base from which they go out and to which they return. In the event travelling ceases permanently, the person no longer has a nomadic habit of life.

28. In summary, determining whether a person has a nomadic way of life is fact sensitive and requires a matter of fact and degree judgement taking full account of the principles established by the courts and all the facts of the case.

...

43. All statements of truth comment on occupation of the site and whether they and other residents were gypsies or travellers. The appellant's planning consultant (RB) described the process of obtaining the witness statements and considered the witnesses are the best placed to make a judgment on whether or not they comply with the condition 1 definition of gypsies and travellers. However, the statements of truth all refer to the definition in 'Annexe 1 of Planning policy for traveller sites'. In cross examination RB confirmed none of the witnesses were provided with a copy of the document or informed of its contents. There was nothing to indicate the witnesses were informed of the wording of the condition 1 definition, the factors to take into account when considering a nomadic habit of life or that the definition specifically includes people 'whatever their race or origin'."

- 2.8 As is evidenced by ORS' Appendix C (the Household Interview Questionnaire), which is noted to remain largely the same as the questionnaire provided and relied on within the March 2018 GTAA, their interviewers **do not** recite the definition provided by Planning Policy to those persons interviewed.

- 2.9 That is the first issue with the assessment, and the approach of ORS. Persons interviewed are not read the definition against which they are being assessed, and therefore if asked questions directed to determine that they are “non-travellers” (i.e. not ethnically Gypsies, Romanies, or Travellers), the conclusion will inevitably be that they are not persons who meet the definition of Traveller defined by PPTS Annex 1. The reality is that they in fact may do.
- 2.10 The second issue stems from the fact that the interviews are focussed and direct at persons already residing in caravans. They are not directed nor tailored for persons residing in Bricks and Mortar, although within this Borough that is neither here nor there, as ORS are known to rely upon waiting lists and advertising to reach out to the community residing within Bricks and Mortar, who may prefer to reside on a pitch and in a caravan. Those households are excluded from the waiting lists within Surrey CC, as per the guidelines of SCC’s waiting list allocation (See **Appendix 2**). No points will be given (and **no entry onto the site waiting list**) to applicants who have existing accommodation (house, plot or interest in another property). As such, the GTAA itself already demonstrably undercounts need within the Borough by way of the Bricks and Mortar households, some of whom have been evicted from that same accommodation by the LPA, and have been forced to seek alternative accommodation through pitch provision elsewhere.
- 2.11 The third issue that must be taken with the GTAA is that is inaccurate in itself. The report records that a total of 4 interviews were undertaken at the site known as Legend Acres. I (Brian Woods) am privy to information regarding this site as my practice and I are, and have for some time, been acting on behalf of the landowner. He has an application pending for 8 additional pitches, all of which are in situ, and actually has permission for **Five** Static caravans on the land (1 pitch granted under WA/2015/1223 and an additional 4 under WA/2019/0116). As such, the assessment has failed to record 8 pitches that are currently unauthorised, were present at the time of the GTAA (there were 10 statics and 4 touring caravans the last time a member of my Practice attended the site).
- 2.12 Furthermore, the following discrepancies are also noted,

- Old Mill Farm, Old Portsmouth Road, Thursley – Planning permission was granted for a limited period only being the period of four years. That planning permission expired in 2021, and it does not appear the case that any further permission was granted.
- Twin Oaks, Cranleigh – has been pending consideration under WA/2026/00506 for the **loss** of the traveller pitch and replacement with a self/custom build dwelling.
- Wisteria, Alfold - has been pending consideration under WA/2025/00983 for the **loss** of the traveller pitch and replacement with a self/custom build dwelling.

2.13 There would also appear to be anomalies arising from ORS' determination of Pitch numbers, and, like has been done for Legend Acres, undercounting or outright dismissal of additional pitches on existing sites (based upon aerial imagery of those sites), barring those sites at Lydia Park and Burnt Hill, where I am aware the LPA are taking action, or seeking to, against alleged breaches. As such, it fits the LPA's narrative to suggest that there are large scale sites accommodating non-travellers where action being taken can deliver sufficient pitch turnover to meet all of their needs.

2.14 The appellant has no doubt that the LPA's response in large to these issues will be that those unauthorised pitches are occupied by non-travellers, or that households in Bricks and Mortar are not "need", they are "desire". However, for the purpose of the Inspector's determination in this case, he has **no** evidence of that being true, and these issues are largely necessary to be taken up in the appropriate setting of a local plan examination, where they will of course be taken up by representatives of the community.

2.15 The assessment itself is therefore not considered to be robust. It is considered to be a reaction by the LPA to these appeals, and the changes to the PPTS. Indeed, that much should be clear to the Inspector given that when this appeal sat in 2025, as confirmed in Mr. Jarman's own evidence, ORS were appointed to complete a new GTAA for Waverley in February 2024 and it was originally anticipated that the

study would be completed by the end of June 2024. It has taken until December 2025 (in fact January 2026) for the report to materialise, with it suggesting the baseline date was September 2025.

- 2.16 It was even stated by the LPA that the reasons for it being delayed were the complexity of determining an accurate site and yard baseline, and Complexities relating to accurately reconciling completed household interviews to planning permissions. The LPA now ask the Inspector as decision maker in these appeals to accept that those issues have all been resolved and overcome to such an extent that the assessment is considered “robust” and “up-to-date”.
- 2.17 The appellant contends it is not. The assessment is still riddled with errors, uncertainties, and the lack of any assurance that it is correct in its assessment. What it does however provide for this Inquiry is the likely *minimum* scale of need within the Borough.

3.0 THE PDA – THE SUPPLY OF SITES

- 3.1 A Gypsy and Traveller Accommodation Assessment is an assessment of households and the needs within any particular area. Travellers are, as per the definition, nomadic in nature.
- 3.2 As a consequence, there is a degree of Pitch turnover. The GTAA report itself acknowledges that approach frequently ends up significantly under-estimating need as, in the majority of cases, vacant pitches/plots are not in fact available to meet any local need. The report cites an appeal decision (APP/J3720/A/13/2208767) that highlights a GTAA relying upon turnover was found to be unsound,

“West Oxfordshire Council relies on a GTAA published in 2013. This identifies an immediate need for 6 additional pitches. However, the GTAA methodology treats pitch turnover as a component of supply. This is only the case if there is net outward migration, yet no such scenario is apparent in West Oxfordshire. Based on the evidence before me I consider the underlying criticism of the GTAA to be justified and that unmet need is likely to be higher than that in the findings in the GTAA.”

- 3.3 The report also refers to the Best Practice for Assessing the Accommodation Needs of Gypsies and Travellers produced jointly in June 2016 by organisations including Friends, Families and Travellers, the London Gypsy and Traveller Unit, the York Travellers Trust, the Derbyshire Gypsy Liaison Group, Garden Court Chambers and Leeds GATE, which concluded that,

“Assessments involving any form of pitch turnover in their supply relies upon making assumptions, a practice best avoided. Turnover is naturally very difficult to assess accurately and in practice does not contribute meaningfully to additional supply so should be very carefully assessed in line with local trends. Mainstream housing assessments are not based on the assumption that turnover within the existing stock can provide for general housing needs.”

- 3.4 It is therefore perplexing that the PDA relied upon by the LPA to demonstrate a supply relies upon this very matter. Turnover of pitches.
- 3.5 The GTAA records a total of 28 pitches occupied by non-travellers can be relied upon to contributing towards supply, thus reducing the identified need for households who meet the PPTS 2024 definition (including unknown households) from 156 pitches to 128 pitches.
- 3.6 That is not a small figure to be met within a five year period. That is a significant undertaking to deliver sufficient sites, the burden of which is placed solely upon the community to deliver, as the Local Plan makes no provision to meet such a high figure of need.
- 3.7 Turning firstly to the turnover assumed to be available as a consequence of Non-traveller occupation. Those sites, even if they were occupied by non-travellers, cannot be presumed to be returned to available supply. Until any enforcement action is concluded, and compliance is finally secured, those pitches cannot reasonably be treated as part of a firm and deliverable five-year supply. Deliverability must be based on clear evidence, not anticipated outcomes of future enforcement processes, as the obvious question looms over this. What if those households actually meet the 2024 PPTS definition.
- 3.8 Inspector Dignan dealt with this matter when he determined the appeals regarding Ada's Farm in Chertsey, often cited in respect of Intentional Unauthorised Development. I attach the decision at **Appendix 3**. I draw reference to Para's 22 and 23, and also 27 and 28, below,

“22. The matter with the greatest potential to affect both the accuracy of the estimate of need and the supply position concerns two sites adjacent to each other on the northern side of Almnors Road, not far from the appeal site. Little Almnors Caravan Site (LA) has planning permission for the stationing of 20 caravans, while Walnut Tree Farm (WTF) has planning permission for 28 gypsy/traveller pitches, each pitch accommodating 2 caravans, only one of which could be a mobile home, and a utility building. Both planning permissions were granted

on appeal, LA in 2000 and WTF in 2013. The sites were visited by ORS who concluded that the caravans present on the sites were not being occupied by gypsies or travellers. ORS interviewees on another site corroborated that view, but Mr Brown subsequently visited the sites and spoke to the owner who claimed that 37 ethnic Romany Gypsies or Irish Traveller households were living there. The site owner is an Irish Traveller, as is his daughter who is site manager, and both apparently live there as do a number of other members of the extended family and at least one Romany Gypsy who was identified as a resident by ORS. Hence there is some evidence that ORS's characterisation of the site as having no gypsies or travellers was incorrect.

23. The occupancy situation at LA/WTF is therefore unclear, but for practical purposes it is unlikely to add to immediate unmet need, though there remains a possible contribution to future need from new household formation arising from existing households resident on the site. In the circumstances however I am satisfied that the GTAA assessed need provides a reasonable practical basis for planning purposes, albeit with a recognition that significantly greater need than estimated is likely to arise from households that were not interviewed and whose PPTS status was not therefore determined. These form a significant proportion of the gypsies and travellers residing in the borough.

...

27. Another potentially significant problem is that the Council has relied on the provision of 48 pitches at LA/WTF as a major component of supply in the period to 2023/24. It plans first to seek compliance with the terms of the planning permissions through enforcement action, and if that does not work the Council intends to compulsorily purchase the 2 sites, which it says might actually deliver 63 pitches. A very simple and obvious problem with this strategy is that LA does not have 20 pitches, it has planning permission for the stationing of 20 caravans, which it was accepted as common ground early on in this

Inquiry should equate to 10 pitches at most. It is surprising then to see, many months after this was clarified, that it is still being claimed as a 20 pitch site for the purposes of future supply. As for the proposition that the Council has identified breaches of planning control at the site, in reality this statement is based on the conclusion of the GTAA and anecdotal evidence. By the close of this Inquiry, with the Local Plan examination well advanced, no concrete steps had been taken to affirmatively establish the situation on either site, and no enforcement case had been opened.

28. If indeed it does turn out that all of the pitches on both sites are being occupied in breach of the occupancy condition, and can be enforced against, the private site owner will not have to bring them back into their authorised use, though it can reasonably be inferred that he would. But of course it is more likely than not in my view that there are travellers living there, if only the owner's extended family, some of whom may meet the PPTS definition in any case. The compulsory purchase route is also fraught with difficulties. Overall, while it may turn out that LA/WTF makes some contribution to supply eventually, in view of the very limited engagement that the Council has actually had with the sites I cannot be confident that they will make the crucial contribution that the Council has relied upon, certainly within the relatively short time-frame envisaged." (Emphasis added)

- 3.9 This case is important, as it dealt with a similar circumstance being claimed by the Local Authority. I am aware that action was eventually taken by the Local Authority in that case (in February 2024) but that action was subsequently quashed (APP/Q3630/C/24/3341998). I am not aware any further action has been taken.
- 3.10 In the case of Waverley, the parties to this appeal have the evidence that has been presented by the LPA in respect of two sites having been served Breach of Condition Notices, and that, as of the supplementary evidence dated January 2026, compliance of one of those sites is understood to have been achieved.

- 3.11 No further update has been provided to suggest that further BCN's have been served, and even if they have and compliance has been achieved, it does raise the question of who is now occupying those sites.
- 3.12 Therein lies the point to be made in relation to the GTAA/PDA's reliance upon those sites. They are privately owned, by individuals who do not need to rent out any pitch to any person resident in this Borough at the time of the GTAA's baseline. They may have family members elsewhere in the country, in need of a site, who's needs can be met on their land, and thus those families become a component of "*in-migration*" that the GTAA fails to consider.
- 3.13 There is an uncertainty to *who* those sites may provide for, and that the provision of those sites to Gypsies and Travellers will not actually elevate unmet need to an even greater scale. The LPA cannot dictate who the pitches provide for, and by all accounts any member of the community, from anywhere in the UK, could reasonably occupy the site, contributing to unmet need in terms of their children (if any) rather than reducing unmet need.
- 3.14 This goes back to the GTAA's very own point of why reliance upon pitch turnover is not robust. Thus, the identified figure of need being 128 pitches across the 20 year period, with 50 pitches in the first five year period, would be a flawed and unsound figure on which to base the five year supply, as, a point recognised by Inspector Orr in respect of The Old Stoneyard (see *Appendix 6 of Brian Woods Proof of Evidence October 2024*), an over-supply on paper does not equate to no unmet need on the ground.
- 3.15 Turning now to the PDA's own supply of sites. It seeks to suggest that a total of 58 pitches could be delivered within the first five year period. I attach, for reference, a collection of aerial images of all sites listed within the Proformas, to assist the Inspector in observing some degree of context of these sites.
- 3.16 Those pitches originate from the sites recorded by Mr. Jarman on Page 3 and 4 of his supplementary statement. I reproduce the table herein,

Site Ref	Site Name	5-Year Need	Need Met	Need Residual
WAV – 001	The Willows, Runfold	3	1	2
WAV – 002	9 Burnt Hill, Dunsfold	3	3	0
WAV – 003	Bridge View, Runfold	1	1	0
WAV – 004	Hazelwood, Bramley	4	4	0
WAV – 006	Hop Meadows, Runfold	2	2	0
WAV - 017 (10)	Land north of 12A Lydia Park - Yellowstone Park	0	0	0
WAV - 017 (8)	Land north of 11A Lydia Park (1) - Plot 16	0	0	0
WAV - 017 (6)	Land north of Lydia Park - Plot 18	1	1	0
WAV - 017 (2)	Land north of Lydia Park (3) - North of Homestead	0	0	0
WAV - 017 (01)	Land to the north of Lydia Park (4) - The Homestead	0	0	0
WAV - 017 (04)	Land north of Lydia Park (5) - Plot 40 (Land at Stovolds Hill)	1	1	0
WAV - 017 (11)	Land north west of Lydia Park - Ranch Park	0	0	0
WAV - 017 (15)	Land to the West of Lydia Park (Weeping Willow)	2	2	0
WAV – 008	Legend Acres, Farnham	0	0	0
WAV – 009	Lydia Park, Cranleigh	11	11	0
WAV – 010	New Acres, Cranleigh	0	0	0
WAV – 013	Pollingfold Place, Ellens Green	4	4	0
WAV – 020	Thornfields, Badshot Lea	0	0	0
WAV – 016	Twin Oaks, Cranleigh	4	4	0
WAV – 025	Adjacent Burnt Hill Caravan Site, Dunsfold	0	0	0
WAV – 006	Hop Meadows, Runfold	5	5	0
WAV - 017 (16)	Land to the West of Lydia Park (Weeping Willow)	10	10	0
WAV – 007	Kilinside Place, Badshot Lea	1	1	0

WAV - 017 (14)	Land north of Lydia Park Centred Coordinates 502164 137703 (2)	1	1	0
WAV – 009	Lydia Park, Cranleigh	6	6	0
WAV - 017 (9)	Land adjoining 12 Lydia Park - Plot 15	1	1	0
TOTAL		60	58	2

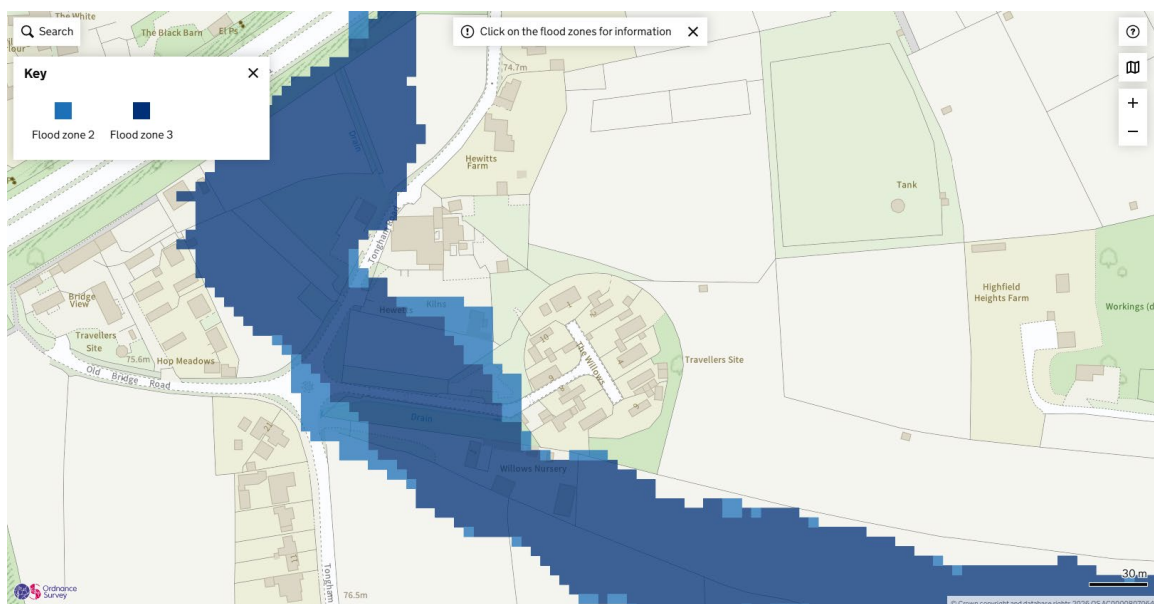
- 3.17 The first matter to note is that WAV-006 (Hop Meadows) is recorded twice, providing a total 5-year need of 7 pitches. Clearly, an error in Mr. Jarman's submission.
- 3.18 This statement shall consider each site in turn and the details provided within the PDA Proformas ("the Proformas").



- 3.19 **The Willows, Runfold:** Granted in 1988, under WA/1988/0456, and is a publicly owned site. No evidence has been provided to suggest or support any position of Surrey County Council agreeing to, or supporting, expansion or intensification of this site. The Proformas provided set out this site measures 1.05ha. Based on OS mapping, shown above, ownership of the site is understood to extend to 1.343ha (1.081ha+0.262ha). However, and extent of that area is woodland/habitat. Under the current legislation, if the site were to extend into that area, Biodiversity Net Gain would be required, which has the potential to render any development unfeasible (i.e. if off-site credits are required which are circa £30,000 depending on Credit Type). The site is therefore constrained in scope of what can be reasonably assumed to be developed (i.e. the Plots themselves). The area comprising the existing plots comprises less than half the overall area (less the

access road), and measures 0.525ha. Accordingly, the plots measure, on average, 525sqm. Those plots cannot be subdivided, or rearranged, in any manner that would achieve the required space standards set by local policy DM37.

- 3.20 Additionally, the site's access lies with the designated area of Flood Zone 3 (see below). The Proforma is silent on why this is deemed acceptable, and there has been no application of Policy (such as the Sequential and Exception Tests). This is not a matter that should be pre-determined by the Inspector in these appeals.



- 3.21 Accordingly, that the LPA rely upon 3 pitches being delivered by this site, is flawed, given that the same issue (Flood Risk) is applied to the appeal sites as a reason to oppose the developments. The Willows is not therefore considered a Footnote 4 site that is available now, offers a suitable location for development, and is achievable with a realistic prospect that development will be delivered on the site within 5 years. It does not offer a suitable location, at a high level, for any additional pitches.
- 3.22 The site is also located within the Zone of Influence of the Thames Basins Heaths SPA. The LPA have no evidence, and provide no evidence, that landowners and developers are accepting of the necessary financial contributions required to make any developments not likely to have significant effect on protected habitats sites, in accordance with the Thames Basin Heaths Special Protection Area Avoidance Strategy.

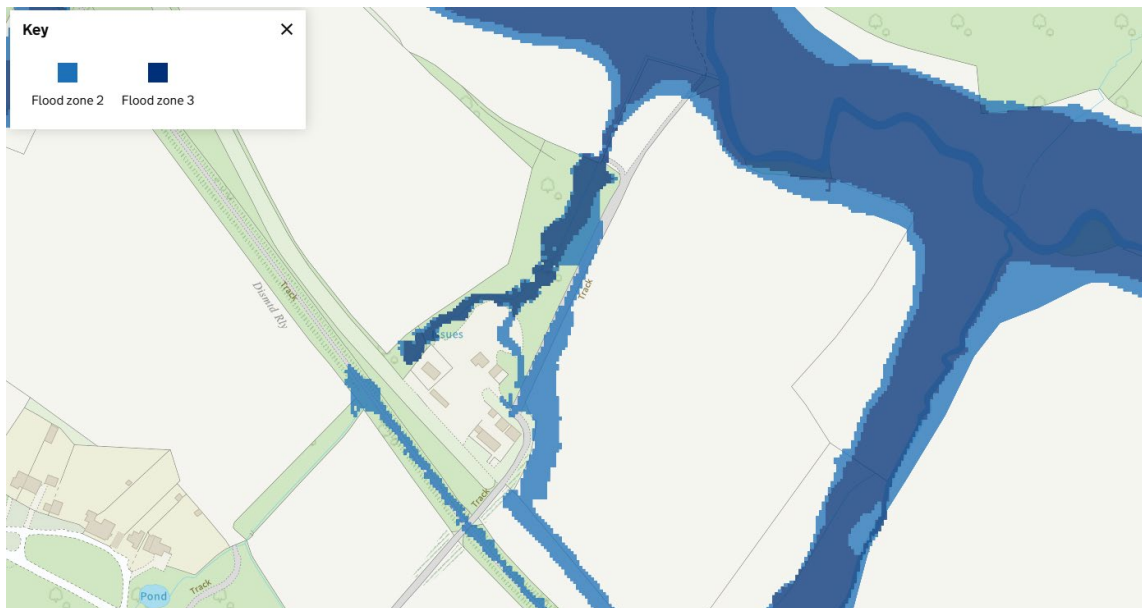
- 3.23 **9 Burnt Hill, Dunsfold:** Granted permission in 1997 originally, under WA/1997/0581, and a further two pitches in 2002 under WA/2002/2269. This site measures 0.62ha. Based on OS mapping, this site actually measures 0.536ha in terms of ownership extent (see below image). The site accommodates 9 pitches in total already, and so approximately 595.5sqm per pitch. To provide a total of 12, that spacing reduces to 446sqm per pitch. In principle, this conflicts with the requirements of Policy DM37. 9 Burnt Hill is not therefore considered a Footnote 4 site that is available now, offers a suitable location for development, and is achievable with a realistic prospect that development will be delivered on the site within 5 years. It does not offer a suitable location, at a high level, for anything beyond 1 additional pitch. That said, there is still significant uncertainty regarding whether or not it is available and deliverable.
- 3.24 **Bridge View, Runfold:** This site provides 1 authorised pitch, under WA/2005/1140. However, the condition is worded such that a total of 3 static caravans are permitted on the single pitch. The site is stated to measure 0.26ha, thus approximately 0.087ha (870sqm) per “pitch”. However, based on OS Mapping (entangled with Land Registry Extents), that is incorrect. The site measures a total of 0.14ha. The site has extended beyond its land registry boundaries (see below).



- 3.25 Consequently, the site cannot be deemed to be deliverable within the PDA itself for two reasons. The first is ownership. The ownership uncertainty demonstrates that it may not be available, and the LPA have provided inadequate investigations

of that matter. The second is site size. Delivery of an additional pitch would reduce pitch sizes to 350sqm, which would conflict at a high level with Policy DM37. Whilst policy DM37 provides a caveat for family occupied sites, that does not preclude the requirement for a full assessment and judgement to be reached. The Inspector in this case cannot pre-determine such a conclusion, particularly in the absence of any evidence to suggest such a development is capable of being achieved and delivered with the consent of the LPA. Bridge View is not therefore considered a Footnote 4 site that is available now, offers a suitable location for development, and is achievable with a realistic prospect that development will be delivered on the site within 5 years. It does not offer a suitable location, and is not achievable, at a high level, for any additional pitches on the basis of the evidence presented.

- 3.26 It is also noted, having regard to the mapping supplied in respect of The Willows, that the wider access to this site is within Flood Zone 2. This is a matter that would be required to be considered with any additional occupation of the land, but evidently has not been considered by the LPA, and should not be pre-determined by the Inspector in these appeals.
- 3.27 The site is also located within the Zone of Influence of the Thames Basins Heaths SPA. The LPA have no evidence, and provide no evidence, that landowners and developers are accepting of the necessary financial contributions required to make any developments not likely to have significant effect on protected habitats sites, in accordance with the Thames Basin Heaths Special Protection Area Avoidance Strategy.
- 3.28 **Hazelwood, Bramley:** This site benefits from consent for a single pitch, granted in 1994 under WA/1994/1268. The permission is however restricted to 2 static caravans, indicating a family unit occupation arrangement. The LPA indicate an additional 4 pitches could be delivered on this site. The site measures 0.67ha, as such, to provide a total of 6 pitches, each pitch would equate to 0.11ha (1100sqm). Those pitches would be sized in accordance with DM37 requirements. However, access to the site lies within Flood Zone 2, and parts of the site are constrained by the same risk (see overleaf).



- 3.29 Accordingly, that the LPA rely upon 4 pitches being delivered by this site, is flawed, given that the same issue (Flood Risk) is applied to the appeal sites as a reason to oppose the developments. The LPA are inviting the Inspector to pre-determine this sites acceptability, when application of local plan policies and national planning policies may preclude the site being found acceptable.
- 3.30 Hazelwood is not therefore considered a Footnote 4 site that is available now, offers a suitable location for development, and is achievable with a realistic prospect that development will be delivered on the site within 5 years. It does not offer a suitable location, at a high level, for any additional pitches.
- 3.31 **Hop Meadows, Runfold:** The Proformas provided confirm the site measures 0.31ha (3100sqm). It accommodates 5 permitted pitches (WA/2015/0189) but is host to an additional 4 unauthorised pitches. The proforma also records a need of an additional 3 pitches from teenagers. As such, a total of 7 additional pitches are required, conveniently what Mr. Jarman records in the table. This figure, if delivered, would bring the number of pitches to 12, equating to approximately 258sqm per pitch. Clearly, there would be conflict with Policy DM37, for which there is no transparency in the documentation to explain. Evidently, this site cannot be relied upon to deliver the 7 additional pitches Mr. Jarman suggests. Therefore, it is not a Footnote 4 site that is available now, offers a suitable location for development, and is achievable with a realistic prospect that development will be

delivered on the site within 5 years. It does not offer a suitable location, at a high level, for 7 additional pitches.

- 3.32 It is also noted, having regard to the mapping supplied in respect of The Willows, that the wider access to this site is within Flood Zone 2. This is a matter that would be required to be considered with any additional occupation of the land, but evidently has not been considered by the LPA, and should not be pre-determined by the Inspector in these appeals.
- 3.33 The site is also located within the Zone of Influence of the Thames Basins Heaths SPA. The LPA have no evidence, and provide no evidence, that landowners and developers are accepting of the necessary financial contributions required to make any developments not likely to have significant effect on protected habitats sites, in accordance with the Thames Basin Heaths Special Protection Area Avoidance Strategy.
- 3.34 **Land north of 12A Lydia Park – Yellowstone Park:** The LPA advance no additional pitches here.
- 3.35 **Land north of 11A Lydia Park – Plot 16:** The LPA advance no additional pitches here.
- 3.36 **Land north of Lydia Park – Plot 18:** The LPA record 1 undeveloped Pitch on this land, granted under WA/2019/1265. As this pitch is undeveloped, and does not appear to be an occupied pitch at the time of the GTAA or at present, the surplus 1 pitch for which permission exists would count towards the supply of sites. However, it appears that this pitch has been double counted given it would be relied upon in the figure of 28 set out in the GTAA as contributing to supply, thus reducing that figure to 27. It is however noted that need has been identified for 2030 and beyond, what period this need falls in would be a relevant consideration.
- 3.37 **Land north of Lydia Park (3) – North of Homestead:** The LPA advance no additional pitches here.
- 3.38 **Land north of Lydia Park (4) – The Homestead:** The LPA advance no additional pitches here.

- 3.39 **Land north of Lydia Park (5) – Plot 40 (Land at Stovolds hill):** The LPA advance an additional 1 pitch from this site. It is however noted that the LPA also record 4 non-travellers occupying, in addition to 2 households identified. Whilst those meeting the PPTS definition is confirmed in the Proforma, the non-travellers alleged is not. Permission was granted under WA/2021/03196 for 2 pitches, each including a dayroom, static, and touring caravans. The pitches are recorded as occupied, and therefore the two pitches approved are not supply, as suggested by Mr. Jarman's Para 9 table, thus reducing that figure to 25. In respect of the additional 1 pitch the LPA advance as supply, for the very same reasons that the LPA oppose the appeal developments on the grounds of flood risk, this site cannot be assumed to be a Footnote 4 site that is available now, offers a suitable location for development, and is achievable with a realistic prospect that development will be delivered on the site within 5 years, as, at a high level, the same objection would have to apply and it is not evidenced why the appeal sites are no better or worse, but this site would be, in terms of flood risk, given that all sites in the vicinity cross through the same area of flood risk identified and relied upon by the LPA.
- 3.40 **Land north west of Lydia Park – Ranch Park:** The LPA advance no additional pitches here.
- 3.41 **Land to the west of Lydia Park (Weeping Willow):** The LPA advance 2 additional pitches from this site. As set out, this site being located north of Lydia Park cannot be assumed to be a Footnote 4 site that is available now, offers a suitable location for development, and is achievable with a realistic prospect that development will be delivered on the site within 5 years, as, at a high level, the same objection would have to apply and it is not evidenced why the appeal sites are no better or worse, but this site would be, in terms of flood risk, given that all sites in the vicinity cross through the same area of flood risk identified and relied upon by the LPA.
- 3.42 **Legend Acres, Farnham:** The LPA advance no additional pitches here.
- 3.43 **Lydia Park, Cranleigh:** The LPA advance a total of 11 additional pitches here. Noting the comments of interested parties to the appeal, much of which has been directed at the people in occupation, the appellants submit there would be issue

with this assumption. Furthermore, Lydia Park cannot be assumed to be a Footnote 4 site that is available now, offers a suitable location for development, and is achievable with a realistic prospect that development will be delivered on the site within 5 years, as, at a high level, the same objection would have to apply and it is not evidenced why the appeal sites are no better or worse, but this site would be, in terms of flood risk, given that all sites in the vicinity cross through the same area of flood risk identified and relied upon by the LPA.

- 3.44 ***New Acres, Cranleigh:*** The LPA advance no additional pitches here.
- 3.45 ***Pollingford Place, Ellens Green:*** The LPA advance an additional four pitches at this location. It is also noted that they record 1 non-traveller occupying within the GTAA. Permission was granted at appeal for 7 pitches, and so an additional four would elevate that number to 11 pitches in total. The Proforma records the site as measuring 0.62ha, and so 11 pitches being provided would equate to 563sqm per pitch. This would align with Policy DM37's guidance. The site is not at risk of flooding, from pluvial or fluvial sources. The appeal decision in this case is important, as it highlights the primary concern remaining being conflict with Policies D1 and D4 of the WLP and Policy AHN4 of the LP Part 1 in respect of this issue as the development would be significantly harmful to the occupiers of neighbouring properties. Therefore, presumption of an additional four pitches being achievable on this site would require pre-determination from the Inspector that such an issue would be capable of being resolved, or such harm would be outweighed in the balance. It is not therefore considered that this site can be deemed a Footnote 4 site that is available now, offers a suitable location for development, and is achievable with a realistic prospect that development will be delivered on the site within 5 years, as the Inspector should not pre-determine the suitability of the site in respect of such matters, that are not before him.
- 3.46 It is also noted that this site was close to the National Landscape, and strongly opposed by the LPA. That site was also subject of local residents' opposition. This underlines the importance of consultation. The appellants do invite the Inspector to reject any suggestion that the LPA would now agree to its intensification, as there is simply no evidence to support that position.

- 3.47 **Thornfields, Badshot Lea:** The LPA advance no additional pitches here.
- 3.48 **Twin Oaks, Cranleigh:** This site comprises 1 pitch, within a 0.46ha site. It is allocated in LPP2 under Policy DS16 for the provision of 1 additional pitch. As this pitch is allocated already, at least one pitch is accepted as being achievable. However, it is noted that a current application is in seeking Erection of a self-build/custom-build dwelling following removal of existing buildings and a traveller pitch. As such, it would appear that this site is not available, given that it is being advanced for residential accommodation for the settled community. Whilst that application is subject to determination, and obviously accompanied by a presumption against such a proposal without a suitable and appropriate replacement pitch being delivered elsewhere, the LPA provide **no evidence** that the landowner would accept the provision of an additional four pitches on the land, and there is in fact evidence to the contrary. It would appear the likely outcome that is required is the use of compulsory purchase powers, which is of course fraught with issues itself. The site is not therefore considered a Footnote 4 site that is available now, offers a suitable location for development, and is achievable with a realistic prospect that development will be delivered on the site within 5 years, as it is evidently not available now, and there is substantial doubt as to whether or not the development would be delivered on the site within five years.
- 3.49 **Adjacent Burnt Hjul Caravan Site, Dunsfold:** The LPA advance no additional pitches on this site.
- 3.50 **Land to the west of Lydia Park (Weeping Willow):** This site comprises the land south and adjoining the existing weeping willow site. The GTAA records 8 pitches on this land, although it is noted (by way of aerial imagery) with either an additional 11 pitches (or 24 pitches). The discrepancy is noted, and the appellants own discrepancy is caused by aerial imagery not aligning with the approved details of the adjacent permission, thus indicating the site has extended/expanded. As with the other sites in vicinity of Lydia Park and the appeal sites, this site cannot be assumed to be a Footnote 4 site that is available now, offers a suitable location for development, and is achievable with a realistic prospect that development will be delivered on the site within 5 years, as, at a high level, the same objection would

have to apply and it is not evidenced why the appeal sites are no better or worse, but this site would be, in terms of flood risk, given that all sites in the vicinity cross through the same area of flood risk identified and relied upon by the LPA.

- 3.51 Nonetheless, it is noted that the LPA suggest 10 pitches could be provided. Again, it is highlighted that interested parties to the appeal have opposed the appeal schemes, on the basis that has been opposed (the people occupying). It is therefore unclear that such a scheme would be supported by those parties, thus it does not automatically follow that the site, were it acceptable in policy terms, would benefit from planning permission and be delivered within a five year period.
- 3.52 Furthermore, the site is recorded as measuring 0.41ha. This equates to 410sqm per pitch, thus below the requirements of Policy DM37. Whilst policy DM37 provides a caveat for family occupied sites, that does not preclude the requirement for a full assessment and judgement to be reached. The Inspector in this case cannot pre-determine such a conclusion, particularly in the absence of any evidence to suggest such a development is capable of being achieved and delivered with the consent of the LPA.
- 3.53 There is, in addition to the above points, the comparative objections the LPA have raised in respect of the appeal sites (i.e. Protected Species, Intentional Unauthorised Development, Domination of the Settled Community). It is again the case that in suggesting this site is a part of deliverable supply the LPA are inviting pre-determination of the merits of the site.
- 3.54 **Kilinside Place, Badshot Lea:** The LPA advance 1 additional pitch on this site. On the basis of aerial imagery, it appears to be the case that more than that is in-situ, with the recent permission for an additional 3 pitches having been extended to 7 pitches overall. The LPA record the site as measuring 0.4ha (4000sqm). On the basis 5 pitches were provided in total, that would equate to 800sqm per pitch, and would therefore comply with Policy DM37. Indeed, even if 7 pitches were provided, it would still accord with Policy DM37, and so there would be no immediate conflict.

- 3.55 The site is however located within Farnham/Aldershot Strategic Gap, and the application that was recently approved was designed with that particular point accounted for, and not extending beyond the footprint of the site because of that strategic gap. The LPA are therefore inviting the Inspector to pre-determine the acceptability of additional pitches on this basis.
- 3.56 As an aside on this particular site, having represented the landowner in the recent application, I have direct knowledge that the LPA's need assessment, treating the site as unknowns, results in a notable under-estimate of need. This is said, as at the time of the application made there were 6 children, all under 10 at that time. Two of those children are now teenagers, and would comprise immediate need. A further three would comprise teenage need from 2031.
- 3.57 The site is also located within the Zone of Influence of the Thames Basins Heaths SPA. The LPA have no evidence, and provide no evidence, that landowners and developers are accepting of the necessary financial contributions required to make any developments not likely to have significant effect on protected habitats sites, in accordance with the Thames Basin Heaths Special Protection Area Avoidance Strategy.
- 3.58 ***Land north of Lydia Park Centred Coordinates 502164 137703 (2)***: The LPA advance 1 additional pitch here. However, for the same reasons already set out this site cannot be assumed to be a Footnote 4 site that is available now, offers a suitable location for development, and is achievable with a realistic prospect that development will be delivered on the site within 5 years, as, at a high level, the same objection would have to apply and it is not evidenced why the appeal sites are no better or worse, but this site would be, in terms of flood risk, given that all sites in the vicinity cross through the same area of flood risk identified and relied upon by the LPA.
- 3.59 ***Lydia Park, Cranleigh***: The LPA advance 6 additional pitches here. However, for the same reasons already set out this site cannot be assumed to be a Footnote 4 site that is available now, offers a suitable location for development, and is achievable with a realistic prospect that development will be delivered on the site within 5 years, as, at a high level, the same objection would have to apply and it is

not evidenced why the appeal sites are no better or worse, but this site would be, in terms of flood risk, given that all sites in the vicinity cross through the same area of flood risk identified and relied upon by the LPA.

- 3.60 ***Land adjoining 12 Lydia Park – Plot 15:*** The LPA advance 1 additional pitch here. However, for the same reasons already set out this site cannot be assumed to be a Footnote 4 site that is available now, offers a suitable location for development, and is achievable with a realistic prospect that development will be delivered on the site within 5 years, as, at a high level, the same objection would have to apply and it is not evidenced why the appeal sites are no better or worse, but this site would be, in terms of flood risk, given that all sites in the vicinity cross through the same area of flood risk identified and relied upon by the LPA.
- 3.61 In summary, the appellants position would be, were the LPA's approach to demonstrating a deliverable supply of sites found correct, that any such site must provide, at a high level overview, **no conflict** with any development management policies to be considered acceptable. Where any conflict exists, that requires a planning judgement to be reached on each individual case, and as a consequence means that such sites cannot be deemed to be deliverable for the purposes of supply "automatically", as doing so invites the Inspector to pre-determine acceptability of other sites that may be subsequently concluded as being unsuitable.
- 3.62 Pre-determination of these sites also prejudices, clearly, interested parties to this appeal who may have a differing view to the acceptability of more pitches, or intensified pitches, in the vicinity of the appeal sites.
- 3.63 Furthermore, there are 24 pitches the LPA advance as supply that rely upon the Inspector in these appeals reaching a conclusion that flood risk is not as the LPA allege. If the Inspector sides with the LPA, and determines their position is correct, then it becomes clear that those 24 pitches are not achievable in the terms of Footnote 4 as the LPA suggest. The reason for this would be quite simple, and that is that if flood risk is as impactful to the developments subject of these appeals as the LPA assert, then the access road (i.e. Stovolds Hill) is at the same scale of risk. Whilst those sites recorded on Lydia Park and the vicinity may not be subject

to direct risk, they are restricted in access as a consequence of the flood risk, and thus, a conclusion of the appeal sites being unsuitable on such grounds must also lead to the conclusion that those 24 pitches are equally unsuitable for the same reasons.

- 3.64 Under that scenario, the LPA's asserted supply of sites collapses, and there is a lack of a five year supply to be considered.
- 3.65 A further 15 pitches advanced by the LPA are constrained by a similar issue, flood risk, and the LPA appear to be promoting intensification of sites that put people at risk of flooding, either directly on site, or indirectly through access to sites, as the preferred approach.
- 3.66 On the other hand, were the appellants case accepted, that does not mean those sites are deliverable, and that a five year supply is present.
- 3.67 The LPA's assertion that this need can be fully met relies heavily on assumptions about deliverability that are not robustly evidenced. The 58 pitches the LPA rely upon is dependent upon sites that are in private control (barring one site). They are all already in occupation, and have residents thereon. There is no evidence provided by the LPA that any of those sites are deliverable, and the Inspector is being asked to determine a five year supply exists solely on the basis of ORS' PDA that suggests unmet need can be met.
- 3.68 It is an aspiration, not a supply of deliverable sites.
- 3.69 Deliverability under the Planning Policy for Traveller Sites requires that sites be available now, suitable, and achievable with a realistic prospect of delivery within five years. Land owned by private individuals does not equate to availability to meet Borough-wide needs. This is because sites under private ownership, relied upon to provide more pitches, does not equate to sites being genuinely available to meet the needs of households who have no family connections in the Borough, or have no ownership connections. The approach adopted by ORS and the LPA

is in fact contrary to national policy that requires Local Authorities plan *positively* for the needs of the travelling community¹.

3.70 Paragraph 4 of the PPTS December 2024 sets out what the Governments aims in respect of Traveller sites are. Of note, within the list provided, are the following points:

1. to ensure that local planning authorities, working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites.
2. to promote more private traveller site provision while recognising that there will always be those travellers who cannot provide their own sites.
3. that plan-making and decision-taking should aim to reduce the number of unauthorised developments and encampments and make enforcement more effective.
4. for local planning authorities to ensure that their Local Plan includes fair, realistic and inclusive policies.
5. to reduce tensions between settled and traveller communities in plan-making and planning decisions

3.71 The appellants would submit that the LPA's approach directly contradicts these aims.

1. The LPA have made no effort to work collaboratively, or develop a fair and effective strategy to meet the substantial scale of unmet need they now face. Rather than help households secure sites they already own, and improve them if possible, such that they are achieved, they want to have them displaced from those sites and the communities they have established, all on the aspiration that if they take enforcement action and follow through on sites occupied in breach, there will be alternative locations. They have no mechanism to secure those sites as genuinely meeting unmet need and contributing towards supply

¹ PPTS Policy A is titled "*Using evidence to plan positively and manage development*"

in the immediate future. They can provide no assurance to the Inspector that those very sites will be available for the appellants in these appeals.

2. There is one Local Authority site in the Borough the LPA propose to intensify. The intensification proposes solely caters for those families occupying that site. It does not provide for the appellants in these appeals, who may, were the appeals unsuccessful, find that they are the exact people that a public site would need to be able to accommodate, as the investment of the life savings into the appeal sites would have culminated in naught but failure. The LPA either presume sites exist, or that it is easy for these people to start again as if it cost nothing in the first instance.
3. The approach of the LPA does not reduce unauthorised encampments. There are many parts of the travelling community, and the approach of the LPA assumes that this is not the case. It presumes that a “traveller” is a person that can live on *any* caravan site, despite the very GTAA they rely upon agreeing the position of the appellants that not every family within the community can play “happy families” with one another when there are significant differences that cause incompatibility between the families. This is something recognised by Surrey CC in their management of the public sites within the County.
4. The PDA provided to the Inspector within this appeal is an aspirational solution to meeting the unmet need. It presumes families on sites want to intensify sites, as opposed to expand, or find and advance land in close proximity to allow independence. It advances sites as “supply” that have not been consulted on in any form, either with the travelling community, or the settled community. Furthermore, it suggests that one site is better than another, and provides no reasoning as to why. It is not a fair approach. It is not a realistic approach. It is not an inclusive approach.
5. Following on from the above, the LPA advance 24 pitches within proximity of the appeal sites. Alfold, Bramley, Dunsfold, and Hascombe Parish Council’s all oppose the four appeals before this Inspector. They are opposed on behalf of their communities, and the approach of the LPA to propose, and rely upon, intensification of sites where there is substantial difference between the two communities, as would seem to be the case here, without any consultation and

that that community would have to accept that, on the basis the Inspector considered a 5-year supply had been demonstrated, it would be inevitable that more sites would be approved, does not foster a positive relationship between the communities. It lacks transparency in its approach, that a local plan examination does not.

- 3.72 In summary, the LPA's asserted supply of sites is nothing but an aspiration. It is not convincingly evidenced that such a supply exists, and is a finely balanced uncertainty.
- 3.73 In contrast to this, the Inspector has before him four appeals for sites that would make **an immediate and certain contribution** toward meeting identified need.
- 3.74 Put plainly, the PDA does not allocate land and does not itself create additional supply. It is a tool that directs to a solution. That solution is, in the appellants view, unsuitable and unsatisfactory. Furthermore, it does not resolve the immediate needs that must be addressed *now*. There is no policy mechanism in place that ensures those sites are delivered, or required to be delivered. There is no evidence before the Inspector that establishes with any degree of certainty that the 58 pitches the LPA rely upon to meet their unmet need **will** be delivered in the next five years.
- 3.75 Furthermore, it has been the LPA's case that cumulative impact of more caravans at Lydia Park would be unacceptable in the Countryside and would together with nearby gypsy and traveller sites, dominate the settled community, being detrimental to all of the surrounding residents of Stovolds Hill whilst on the other hand Inspector Gilbert in her September 2022 decision considered that the perceived impact of planning permissions relating to the infilling of sites within the envelope of Lydia Park, would be minimal. I therefore invite the Inspector to conclude that the LPA's own evidence suggesting that further numbers could be delivered within the vicinity of Lydia Park puts paid to the argument over numbers in these appeals. It represents a clear contradiction in their approach and one which is untenable, and more notably wholly unreasonable. It is clear that, on the basis of this new evidence, the LPA have no qualms about additional households

living within the vicinity. The appellants therefore submit that the LPA should accept that this reason for refusal of planning permission is no longer relied on.

- 3.76 Of the 58 pitches advanced, 39 of them are subject to flood risk considerations, in one form or another. Either direct on site, or indirectly through access. There are a number of sites that provide clear conflict with Policy DM37, and have had no consideration of detail. The sites advanced have been insufficiently evidenced as suitable locations for the numbers advanced, beyond the obscure assertions of a third party contracted to provide a solution for the LPA's situation, that they are acceptable.
- 3.77 As 55 of the 58 pitches are on land that is privately owned, there is no evidence before the Inspector that demonstrates **any** of those 55 pitches are available. In respect of the 28 pitches relied upon, there is no evidence, and absolutely no confidence from the appellants, that any of those pitches will be made or become available to meet *their* needs.
- 3.78 There are no planning permissions for the 58 pitches the LPA rely upon which are before the Inspector, and therefore the appellants shall submit that there can be no presumption that the pitches set out are deliverable.
- 3.79 Additionally, the approach of providing "Pitches" taken by ORS appears to be one which focusses heavily on providing extra caravans only. A Pitch is quite different to an extra caravan. Traveller pitches do require space for turning circles, touring caravans, parking and, where sought by the occupants, a day room. Access for refuse lorries is another consideration. A touring caravan maybe regarded as a permitted development right associated with a traveller's pitch, but nonetheless is additional space which needs to be considered. Indeed, there is an accepted definition of a pitch and a recommended size for them within the Local Plan. Caravan site licensing requirements are not irrelevant either. As such, the Inspector is invited to scrutinize the available space and decide the matter according to standard pitch requirements, and more importantly, whether, based on the evidence he has been provided by the LPA in their submission on this matter, that he is satisfied it has been sufficiently demonstrated that those

additional pitches are achievable, and is not merely aspirational intensification of family sites.

- 3.80 I would add that, whilst the Borough is not overly constrained by Green Belt, it is not free of this designation. As all parties to this appeal will be aware, the NPPF December 2024 provides a permissive approach to Green Belt development where specific criteria are met. It is not the case in this Borough that there are *no* sites within the Green Belt. Those sites, as I have noted from others in the community, may have refrained from seeking permission for further development to meet their own families needs, including family on the roadside, because of the presumption against development that was applied by the policies. That position has changed, and the approach adopted by the LPA would preclude such development being found acceptable, when in reality it may be wholly compliant with Green Belt policy, and should not therefore be opposed on such grounds. Put plainly, the approach is wrong and is contrived such as to preclude any engagement of the positive policies for decision-making.
- 3.81 For all of these reasons set out, the appellants shall invite the Inspector to dismiss the LPA's claims of a five year supply of deliverable pitches having been demonstrated.

4.0 **THE NPPF CONSULTATION – DIRECTION OF TRAVEL**

- 4.1 The appellants shall highlight that, within the NPPF December 2025 that is under consultation, it is clear that a direction of travel has been set by central government.
- 4.2 Policy HO3 of the Consultation NPPF sets out that Local plans should identify a sufficient supply and mix of sites to meet or exceed the housing requirement figure and pitch and plot requirements for their areas over the plan period, drawing on the land availability assessment in accordance with policy PM9.

- 4.3 The Consultation NPPF defines Deliverable as:

“To be considered deliverable, sites for housing or other pitches and plots should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that homes will be delivered on the site within five years. In particular:

- a. **sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).**
- b. **where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that homes will be delivered on site within five years.** (Emphasis added)

- 4.4 The direction of travel is clear in the appellants view, and it is reasonably submitted that unless the entire consultation document is abandoned, the definition of deliverable as set out is unlikely to be changed. It consolidates the definition to be what was reasonably understood to be the case for Traveller sites until ORS began

producing the Pitch Deliverability Assessments as a means to assist Local Authorities in combatting appeals and applications, as opposed to planning positively to meet the unprecedented scale of unmet need across the country that has arisen by virtue of breaking down the systemic prejudice against the community that was introduced in the March 2015 PPTS.

- 4.5 Whilst the consultation remains ongoing, and the NPPF as issued may be subject to further changes, I do consider weight should be afforded to the definition of deliverable defined within that document, which is in my view unlikely to change.
- 4.6 In any event, I would invite that the Inspector directs comments on any such changes that may be issued be advanced by the parties, should those changes be confirmed prior to the making of any decision, particularly given that, if the definition of deliverable remains as per its current draft, then it would be highly material to the appeals, in particular the position of the appellants themselves and the application of the tilted balance.

5.0 RELEVANT APPEAL DECISIONS

5.1 The appellants provide for the Inspector a number of appeal decisions. Several of these decisions regard areas where the Local Authority adopted a similar approach to the LPA here, whereby they instructed ORS to produce a new GTAA alongside a Pitch Deliverability Assessment. The decisions are advanced on the basis of the conclusions of the Inspector's therein.

5.2 **Wakefield Council – Land at Castle Gate:** I provide this decision at **Appendix 4**, and draw reference to Paragraph 59,

“59. *The LPA intends to identify traveller sites in the emerging Local Plan, and the Publication Draft refers to provision for 95 pitches. Discounting pitches on existing authorised sites (49) leaves additional provision of 46 pitches to set against the need for accommodation. An exercise assessing the capacity of existing sites suggests that between 24 and 30 pitches could be available from this source, and a further 9 pitches may be put forward as modifications to the Local Plan. Potential supply amounts to between 79 and 85 pitches, but none are available now to meet the existing need or contribute to a five years’ supply. Moreover, in advance of the Local Plan hearings, the proposed allocations carry little weight, and, as the LPA acknowledges that additional capacity from existing sites would be dependent on the support of existing owners, there is uncertainty as to the number of pitches which may come forward from this source.*” (Emphasis added)

I note that this is a decision determined by the Inspector in these appeals. Suffice to say, when a similar approach was taken, the same concerns that are raised in these appeals were acknowledged, and led to the determination that there was a substantial need for gypsy and traveller accommodation in Wakefield.

5.3 For completeness, it is noted that, within that LPA's evidence (**Appendix 5**) they did accept that they did not currently have a 5 year supply of authorised pitches. However, they identified a shortfall, and determined that that shortfall could be met through their emerging Local Plan, which sought to deal with the overall assessed

need and formalise the status of existing sites, and the potential additional capacity within those sites, along with a new site, all through allocation of them as Traveller sites in the emerging plan, and removing them from the Green Belt where necessary. That, in the Local Authority's view, enabled all those sites to be recognised as legitimate supply offering the prospect of permanent use by Travellers. This is, broadly, the same approach being offered in these appeals, with the exception that **none** of those sites advanced are allocated for the development numbers proposed. None of these sites have planning permission for those development numbers proposed, and there is little, if any, evidence to suggest that they will come forward, will be found acceptable and granted permission, and will be available for the appellant groups, who have an immediate need *now*.

- 5.4 **Tandridge DC – Land adj. Alwyn, Green Lane:** I provide at **Appendix 6** a copy of Inspector King's decision regarding APP/M3645/C/24/3349392 & APP/M3645/C/24/3349393. I draw reference to Paragraph's 21 to 34. In this case, the Tandridge DC produced a new GTAA dated January 2025, in April 2025, which was accompanied by a Pitch Deliverability Assessment. The LPA also produced an "Interim Planning Policy Statement". The reasons for both was that, after over a decade of asserting that there was no unmet need, the assessment produced, whilst stated to have been against the December 2024 definition, despite its baseline being prior to the policy changes, identified a threefold increase (at least) in unmet need. The District, comprising 96% Green Belt was thus vulnerable to speculative development under the terms of Paragraph 155 of the NPPF. In my view, the PDA and the associated IPPS were tools designed to combat that reality. Instead of enabling the travelling community, long failed by the Local Plan's policies, obtain and secure the accommodation required, the approach adopted by the LPA was to prevent development anywhere but on existing sites, many of which were previously opposed by the authority. The approach was one of intensification and expansion as a solution to meeting unmet needs. The local authority also relied upon an allegation of non-traveller occupation on 12 pitches within the District to provide to meet other unmet need. Of note, some of the sites recorded in that PDA were subject to the risk of flooding. Following my own

criticisms, the LPA withdrew those sites from being “deliverable supply” whilst seeking to maintain a supply was demonstrable. Suffice to say, the changes were made on a whim, without engagement with the community, because it was possible to do so. Because neither document is a local plan document. They are development management tools which should aid delivery of development, not stifle delivery. They can be changed and adapted as required, with no certainty that any site contained therein is ever actually delivered. On the basis of all the criticisms provided, Inspector King rightly concluded that the asserted supply was aspirational.

- 5.5 Inspector King was preceded by Inspector Hand (**Appendix 6 – Para’s 20-22**), who concluded likewise for the District, and that the PDA and IPPS did not demonstrate a deliverable supply of sites. Inspector King determined in another case (**Appendix 7 – Para’s 22-33**), whilst dismissing the appeal, the same conclusions.
- 5.6 ***Stafford BC - Land to the northeast side of Hilderstone Road, Spot Acre ST15 8RP***: In this case, Inspector Ware considered a number of points. The LPA relied upon turnover as a component of supply, and made the poignant point that he did not regard such as positive planning to meet an acknowledged need. In that case, the Local Authority accepted that reliance on turnover does not equate to deliverability in terms of national policy. He also considered pitch size and overall capacity, but noted there was nothing before him to be able to assess likely capacity, as is the case here. The Inspector is being asked to consider OS overviews of sites, with arbitrary measurements of those same sites, and pre-determine the suitability of expansion or intensification of those sites. He also noted that there were no interviews with members of the community in conventional housing, and determined that could be a potential issue with the robustness of the case. As is present here, Surrey CC do not allow such persons on their waiting list, so the same question marks would arise. He also recorded concern regarding inwards and outwards migration. More importantly however, he set out that sites for which details were withheld and which do not have planning permission, he gave no weight. He also recorded that the Local Authority in that case accepted that windfall sites cannot be considered deliverable in terms of

national policy. The decision is attached at **Appendix 8**, and I draw reference to Para's 20-27.

- 5.7 ***Cherwell DC – Manor Park:*** In a contrasting approach, for an appeal I was involved in, Inspector Allen determined that the LPA did have a deliverable five year supply. However, the difference in the circumstances here was that, whilst the GTAA was relatively fresh, the LPA had kept an up-to-date record of permissions that had been granted. Whilst I challenged the supply of sites based on the terms of the permissions granted, I did accept the supply of sites, on the basis that there was a combination of vacant pitches (i.e. developed but not occupied or vacated) and a number of planning permissions that had been granted (73 pitches). I did however dispute the identified need figures on which the supply was based. I provide the decision at **Appendix 9**.
- 5.8 ***Mole Valley DC – Cidermill Hatch:*** I attach this decision at **Appendix 10** and draw reference to para's 25-36. In this case Inspector Willows considered Footnote 4. He also noted that of the 19 pitches approved 3 pitches were occupied by non-travellers, and, as there was nothing before the Inspector to indicate that situation would change, it was not available to Travellers, and was not part of the supply of Traveller sites. He also noted that the remainder of the Local Authorities supply comprised 15 pitches from site allocations. However, there was no specific evidence regarding the prospect of any of these sites coming forward. It was not sufficiently robust in his view that they were merely allocated. The LPA also sought to rely upon 35 pitches under consideration within pending planning applications, and noted that the Local Authority suggested windfalls have produced an average of 3 pitches per year to date, suggesting that 15 might come forward over the next 5 years. Consequently, Inspector Willows was not persuaded that either of these matters show that sites are *'available now, offer a suitable location for development, and [will] be achievable with a realistic prospect that development will be delivered on the site within five years'*. He concluded that the Council could not demonstrate an up to date 5-year supply of deliverable sites.
- 5.9 ***Dover DC - Land South of Ash Road, Sandwich:*** In this case, Inspector Carpenter made reference to a decision from March 2025. I attach the decision at

Appendix 11 and draw reference to 30-34. Inspector Carpenter was not convinced circumstances had changed since that decision and that the sites recorded as deliverable now failed the test of the PPTS within Footnote 4. However, Inspector Carpenter did note that the needs assessment was dated, and given the change in definition, need would likely be greater. There was also evidence to suggest overcrowding of sites. In that case, the Council suggested several alternative sites for the appellant. However, there is no definitive evidence these sites are currently available, or that they would be suitable for the appellant by accommodating his extended family in one place. I am also mindful cultural factors can affect the practicality of site sharing between different Traveller communities, and I understand this to be a significant consideration for the appellant in relation to some of the sites suggested. The same conclusions are applicable here. Importantly, that District relied upon planning permissions and allocations. Not a theoretical delivery of sites through expansion and intensification.

- 5.10 ***Buckinghamshire CC - Land South Of Preston Road And South West Of Game Farm, Gawcott:*** I attach at **Appendix 12** Inspector Edwards' decision, and draw reference to Para's 29-34. In this case, Inspector Edwards noted conclusions of an earlier Inspector, in respect of Sunset Park Homes, and that the GTAA had significantly underestimated the need for pitches within Aylesbury Vale. He adopted that conclusion. He also considered that footnote 4 supported the appellants position, the same presented here, that that the purpose of PPTS paragraph 10(b) is to ensure a front-loaded supply of sites to address needs **before or as they arise**. He noted that most of the sites identified as contributing towards supply in the Need Statement have already been granted planning permission and have been delivered. He also noted that those identified as future supply do not benefit from planning permission and in any case, they are already occupied. The evidence indicated none of those sites were currently available. He also noted that the Council's representatives at the hearing were unable to identify any vacant sites with planning permission or allocated for Gypsy and Traveller accommodation use. The same is largely true in this case, although vacant pitches and allocated sites within the Borough would not address the substantive need required to be met.

5.11 **Wyre Forest DC - Land at Drakelow Lane, Wolverley, Worcestershire:** I attach at **Appendix 13** Inspector Willows decision, and draw reference to Para's 28-38. In this case, the Local Authority relied upon planning permissions and allocations. They also considered potential sources of additional pitches. Overall, a need was still identified, and a lack of five year supply. The Inspector did importantly note however that he could not be certain as to whether or when an allocated site would come forward. Thus, concluded it was not a deliverable site, and set out that it was not part of the current supply of available sites. He also referred to another decision from within the District, provided at **Appendix 14**. I draw reference to Paragraph 17 of that decision letter,

"17. On the supply side, again there is an over reliance upon turnover and use of existing sites via expansion without clear explanation as to how or which sites are to be expanded. LP Policy SP.14 sets out a list of sites which are safeguarded to meet the needs of gypsies and travellers over the plan period and the vast majority are already in use." (Emphasis added)

5.12 **The Havering Examination:** Having been opposite Mr. Jarman in several cases recently where this same approach has been advanced (Alwyn) and in some cases which remain pending, I note that he may draw reference to the examination of Havering's Local Plan as having "set the precedent" for the Pitch Deliverability Assessment. I provide Inspector Heywood's report on the Local Plan (**Appendix 15**), and draw reference to Paragraph 126. The Inspector did not set a precedent for a Pitch Deliverability Assessment to carry greater weight than a Local Plan Allocation. The issue with deliverability of sites was explored at Para 114, where the key issue of **ownership** arose.

5.13 The simple point to be made is that Footnote 4 has been within the PPTS since it was first published in March 2015. No Inspector has ever determined that, solely on the basis of an aspirational list of sites which *could* meet unmet need, that unmet need *would* be met. Indeed, in every appeal I have been involved in, when a determination has been made that a Local Planning Authority have a deliverable five year supply, it has been on the basis that planning permissions have been granted, or allocations have been made by way of an adopted Local Plan and for

which planning applications are pending determination. Even in some of those cases, Inspector's have still been dissatisfied with the level of information before them in respect of allocated sites and their delivery. The approach is not a positive, nor a fair, one, and one which would suggest it is correct of any local authority nationwide to simply say *"This site here with 50 pitches can be sub-divided to provide 100 pitches in total. That is our deliverable supply, and thus the permissive application of planning policies must be disapplied"*.

- 5.14 The principle of the approach would suggest that the same can be applied to conventional housing, and that simply because *"as this land at [Location] has no planning objections in principle, it can deliver 1000 homes, thus providing a deliverable supply"*. It allows for no consideration of ownership issues or stakeholder interests, or timescales of any development. It simply does not demonstrate supply. As such, why should the same approach be used to demonstrate a deliverable supply for the Travelling community.

6.0 CONCLUSIONS

- 6.1 In conclusion, the appellants submit that the LPA's evidence is insufficiently clear to detail how and why sites have been selected. There are no provisions to secure delivery of those sites in the immediate future, such that they would meet the immediate needs that have been identified.
- 6.2 The approach lacks transparency, with no consultation having been undertaken with community (settled or travelling) regarding the intensification and expansion of any sites within the Borough.
- 6.3 There are no planning permissions in place to demonstrate the sites are definitively achievable, or that they could be delivered within five years.
- 6.4 There are no allocations of these sites, as the PDA is not a Development Plan Document. It is a document that has not been subject to **any public consultation**, and a document that has not been subject to any **independent examination**. There is no evidence that the proposals within the PDA will **ever** be subject to consultation or examination. The PDA has no weight as a Development Plan Document. It is evidence that would underpin a new local plan. Since it is clearly not a proper policy passed in the normal way and a document that has not been subject to either consultation or scrutiny such as at a local examination and is likely to be subject to further change or revocation, the appellant submits that very little, if any, weight can be given to it or its conclusions.
- 6.5 What has been established within these appeals for the Inspector's determination is that **there is an unmet need**. The delivery of these pitches will serve to meet that immediate unmet need, in addition to meeting the individual appellants needs for accommodation.
- 6.6 The sites listed in the PDA would not meet the immediate needs. They cannot be lawfully developed at this point in time. Some may never obtain planning permission, for varying reasons. Some may, and be subject to challenge. Some may be permitted, and not developed in five years. The LPA provide nothing to assure the Inspector that any of those sites listed **will** be delivered, or **can** be delivered, nor that even were they delivered, **that they would be available**. The sites all therefore fail the Footnote 4 tests.

- 6.7 The appellants have an immediate need for pitches. The presence of other families on existing sites means that those additional pitches would not be available to the appellants. There is an evidential dispute arising out of the inferences to be drawn from what is recorded at para 9.23 on page 54 eg “we have space to meet our needs”. This is not evidence that the appellant could get three pitches on the site, and is in fact the same summary remarks asserted to have been made by site owners where ORS have undertaken PDA’s elsewhere. The evidence before the Inspector does nothing to confirm that those households would provide accommodation to the appellants.
- 6.8 The reliance of the LPA on the 28 pitches occupied by non-travellers, or vacant, also does nothing to demonstrate the unmet needs identified **can** be met. Beyond the LPA pursuing compulsory purchase, there is nothing that requires sites occupied by non-travellers to be returned to providing for the community, nor anything that requires they be provided to meet the needs of the community that have been identified, in particular the 10 pitches required for those unauthorised sites, which include the appellants sites, and those other two sites in the vicinity (but excluding Weeping Willow and Hop Meadows which are listed within the PDA).
- 6.9 There are also the 32 pitches the LPA advance within the Lydia Park site and its environs. As set out, these sites, on the basis the LPA’s position was correct in respect of flood risk, would all be undeliverable. It is the Appellant’s primary case that flood risk is not a reason for dismissing these appeals. However, the LPA cannot consistently maintain that objection, if there is no similar planning objection to the additional caravans subject of this new evidence. The Inspector is therefore invited to reject the LPA’s case that the appellants additional pitches would be unsafe due to flood risk at the junction with the main road.
- 6.10 The simple fact therefore remains that were the Inspector to accept the LPA’s evidence, and dismiss the appeals, the appellants would still have no alternative site available for them to reside upon. They would remain an unmet need required to be met, displaced to a roadside existence, whereby they would be reliant upon doubling up (overcrowding) and unauthorised encampments, contrary to the objectives of the PPTS.

- 6.11 As such, the approach of the LPA is wholly inconsistent with National policy, not fair, not inclusive, and ultimately, not a positive approach.
- 6.12 The appellant shall therefore submit for the wide number of reasons set out, that the Inspector should dismiss the LPA's assertions as nothing but aspirational, and conclude that there is a lack of a five year supply of deliverable Gypsy/Traveller pitches that are **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**.
- 6.13 It is not disputed that the LPA are working to address this situation, but it is plainly not enough, and not the correct approach in how it is seeking to be addressed, given there are significant real life consequences to choosing displacement and *"meeting the need in time"* as opposed to *"meeting the need now, and working to address it in the future as well"*. This could be done through temporary consents, as Inspector King did within Tandridge DC.

7.0 APPENDICES

Appendix 1	3370693 - Mendlesham Road LDC Decision
Appendix 2	SCC Waiting List – Allocation Criteria
Appendix 3	3181382 - Land at Ada’s Farm, Hardwick Lane
Appendix 4	3192150 - Land at Castle Gate, Stanley
Appendix 5	Castle Gate, Stanley – LA Need Evidence
Appendix 6	3349392 - Land adjoining Alwyn to the west of Green Lane
Appendix 7	3357967 - Plots E and F, Land South of Plough Road
Appendix 8	3349803 - Land to the north of Farfield, Green Lane
Appendix 9	3119166 - Land northeast side of Hilderstone Rd
Appendix 10	3352105 - Land at Manor View, Hampton Poyle
Appendix 11	3347934 - Land adj. to Cidermill Hatch, Partridge Lane
Appendix 12	3364988 - Land South of Ash Road, Sandwich
Appendix 13	3334857 - Land South Of Preston Road, Gawcott
Appendix 14	3358562 - Land at Drakelow Lane, Wolverley
Appendix 15	3287457 - The Beeches, Curslow Lane, Shenstone
Appendix 16	Havering LP Inspectors Report