

Dear Sir

**APPEALS CONCERNING LAND NORTH OF LYDIA PARK, STOVOLDS HILL, CRANLEIGH**

- **APPEAL A BY MR T DOHERTY (APP/R3650/W/22/3313865) – 1 GYPSY/ TRAVELLER PITCH**
- **APPEAL B BY MR S DOHERTY (APP/R3650/W/23/3314447) – 3 GYPSY/ TRAVELLER PITCHES**
- **APPEAL C BY MR M & MRS A DOHERTY (APP/R3650/W/23/3322400) – 1 GYPSY/ TRAVELLER PITCH**
- **APPEAL D BY MR M DOHERTY (APP/R3650/W/22/3323108) – 1 GYPSY/ TRAVELLER PITCH**

JOINT STATEMENT BY THE PARISH COUNCILS OF  
ALFOLD, BRAMLEY, DUNSFOLD, and HASCOMBE

The above-mentioned Parish Councils, all of whom will be affected by the above planning applications, have prepared this Statement to summarise their concerns about the material harms that we believe will result should any of the named developments go ahead.

We all want to ensure that the planning system fulfils its role of facilitating, in the words of the NPPF, ‘strong, healthy and vibrant communities’. We wish this on behalf of all sectors of our community. The planning system should be fair and appropriate for all and embody a process in which everyone can have confidence. However, the history at this site has led to a strong feeling in the local community that a sense of parity has been lost.

In our separate representations, to be made in person, we shall be submitting evidence that we believe shows how the planning system has unfortunately so far failed to prevent unsustainable development at the existing GRT site on Stovolds Hill.

There is no demonstrable need for starting a new site in the field which is the subject of the Appeal Sites A, B C and D. The existing GRT sites already irrefutably dominate the existing settled community, against policy in NPPF/PPTS, and we seek to have a sustainable balance restored in the development of the whole community in this area. The letting out of numerous mobile homes to non-travellers on the existing GRT sites is evidence that, even if GRT community members can demonstrate a need for a limited amount of accommodation, there is already an existing over-supply.

We support the reasons for refusal made by the Local Planning Authority. But we go further in drawing to the Inspector’s attention the intentional unauthorised over-development which is in breach of planning permissions granted. This has led to a catalogue of social issues, damage to the natural environment, wildlife and habitats, and other harms. All of these are causing grave concern to the local community.

The site of the Appeals is the subject of a recent ‘live’ High Court Injunction<sup>1</sup>. We draw attention to this due to the commonality of ownership across the sites mentioned and whilst the Injunction is not the subject of the Appeals, it is an active and related issue to the current Appeals. Recent continued unauthorised development in this site shows a lack of regard for the Injunction and the process of planning law. The fact that an Injunction was necessary demonstrates the seriousness of the situation. We must emphasise the exasperation felt by local communities and

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<sup>1</sup> IN THE HIGH COURT OF JUSTICE CLAIM NO: QB-2021-002721 KING'S BENCH DIVISION BEFORE KAREN RIDGE SITTING AS A DEPUTY HIGH COURT JUDGE 1 SEPTEMBER 2023

their elected representatives who simply wish to achieve a strong, healthy and vibrant community in this area, to meet the objectives of the NPPF.

Local residents feel strongly that the planning system is failing them. For confidence to be restored, they need to see that their representations are taken seriously and that decisions made recognise the rights and responsibilities of everyone.

The above Parish Councils therefore urge the Inspector to dismiss all the above Appeals.

*Alfold Parish Clerk*

For and on behalf of Alfold Parish Council, Bramley Parish Council, Dunsfold Parish Council and Hascombe Parish Council.

IN THE HIGH COURT OF JUSTICE

CLAIM NO: QB-2021-002721

KING'S BENCH DIVISION

BEFORE KAREN RIDGE SITTING AS A DEPUTY HIGH COURT JUDGE

1 SEPTEMBER 2023

BETWEEN

WAVERLEY BOROUGH COUNCIL

Claimant

-and-

1. ANTHONY MARTIN GRAY
2. PHILIP MARTIN GRAY
3. MATTHEW DOHERTY
4. MARY DOHERTY
5. MARK DOHERTY
6. ALLANA DOHERTY
7. BARNEY DOHERTY
8. THERESA DOHERTY
9. JOHN DOHERTY
10. MARY ANN DOHERTY
11. WISDOM PENFOLD
12. PERSONS UNKNOWN (UNDERTAKING OPERATIONAL DEVELOPMENT ON THE LAND KNOWN AS STOVALD'S HILL, CRANLEIGH AND/OR SEEKING TO USE THE LAND FOR CARAVAN USE)
13. THOMAS DOHERTY
14. SIMON DOHERTY



Defendants

**INJUNCTION ORDER**

WARNING **TO THE INJUNCTED DEFENDANTS (DEFINED BELOW)**: IF YOU DO NOT OBEY THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND YOU MAY BE SENT TO PRISON

**THE RELEASED DEFENDANTS (DEFINED BELOW) ARE NOT SUBJECT TO THE TERMS OF THE INJUNCTION ORDER SET OUT IN PARAGRAPH 1 BELOW**

ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS THE INJUNCTED DEFENDANTS TO BREACH THE TERMS OF THIS ORDER MAY ALSO BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE SENT TO PRISON. **THIS INCLUDES THE RELEASED DEFENDANTS**

## **IMPORTANT**

### Notice to the Defendants

You should read the terms of the Order and the Guidance Notes very carefully. You are advised to consult a Solicitor as soon as possible.

## **THE ORDER**

In this Order the Land means land at Stovolds Hill, Cranleigh, as more particularly shown on the plan attached to this Order, edged red and marked Plan A.

The Injuncted Defendants means the First, Second, Fourth, Ninth, Tenth, Eleventh and Twelfth Defendants.

The Released Defendants means the Third, Fifth, Six, Seventh, Eighth, Thirteenth and Fourteenth Defendants.

**UPON** the Claimant's claim filed on 14 July 2021 for injunctive relief pursuant to s. 187B of the Town and Country Planning Act 1990 (the "Claim").

**AND FURTHER TO** the Order of Mr Justice William Davis made on 14 July 2021; the Order of Mr Charles Morrison (sitting as a Deputy High Court Judge) made on 20 July 2021; the Order of Mr Richard Hermer QC (sitting as Deputy High Court Judge) made on 14 September 2021; the Order of His Honour Judge Pearce (sitting as a Deputy High Court Judge) made on 11 November 2022; the Orders of Mr Healy-Pratt made on 14 March 2023 and 21 March 2023 (together "the Interim Injunction Orders").

**AND UPON** hearing Wayne Beglan of counsel for the Claimant; Stephen Cottle of counsel for the Third, Fifth, Sixth and Fourteenth Defendants; Felicity Thomas of counsel for the Seventh Defendant; and Michael Fry of counsel for the Thirteenth Defendant.

### **IT IS ORDERED THAT:**

#### **IN RESPECT OF THE INJUNCTED DEFENDANTS**

1. The Injuncted Defendants are prohibited (whether by themselves, their servants or agents) from:
  - a. occupying the Land, whether in any caravan, mobile home, tent, any other structure intended for or capable of habitation, or howsoever;
  - b. bringing onto or keeping on the Land, a caravan, a mobile home, tent, or any other structure intended for or capable of habitation, or allowing any other person to do so;
  - c. installing or erecting on the Land any structure or building capable of or intended to:
    - i. be put to residential use; or
    - ii. facilitate the other acts prohibited by this Order;
  - d. bringing onto the Land any hardcore or any other material for the

- preparation of hard surfaces;
- e. installing, using or connecting on the Land, any services including running water, electricity or sewage connections;
  - f. carrying out any works on the Land including, but not limited to, the laying of hard standing;
  - g. allowing any persons to take up occupation of the Land; and
  - h. causing, permitting or facilitating the change of use of the Land to include use as a site for stationing caravans for human habitation.
2. Nothing in this Order shall prevent the Injuncted Defendants from using the land for a purpose which has express planning permission; or causing any operational development to take place for which there is express planning permission.
  3. Service of this Order upon the Injuncted Defendants shall be by alternative service namely by displaying a copy of this order contained in a transparent waterproof envelope in a prominent position at the entrance to the Land. Service by this means shall be treated as good service 2 days after it has taken place.
  4. There shall be no order as to costs in respect of the Injuncted Defendants

#### **IN RESPECT OF THE THE RELEASED DEFENDANTS**

5. The claim is dismissed.
6. The interim injunctions in force contained in the Interim Injunction Orders are discharged.
7. The personal undertakings given by the Thirteenth and Fourteenth Defendants recorded in Schedule C to the 11 November 2022 Order are discharged.
8. As to costs, (a) the released Defendants shall file and serve by 5pm on 8 September 2023 their submissions on the issue of costs; (b) the Claimant shall file and serve by 5pm on 15 September 2023 any response to those submissions; and (c) the released Defendants shall file and serve any reply by 5pm on 21 September 2023. Each submission, response and reply shall be limited to 3 pages in relation to each applicable Defendant. The court shall thereafter determine the issue of costs in writing unless it considers a further hearing is necessary.
9. There shall be a detailed assessment of the Seventh Defendant's publicly funded costs.
10. As to whether permission to appeal should be granted, (a) the Claimant shall file and serve by 8 September 2023 its submissions; (b) the relevant Defendants shall file and serve by 15 September 2023 any response to those submissions; and (c) the Claimant shall file and serve any reply by 21 September 2023. The court shall thereafter determine the issue of whether permission to appeal should be granted in writing unless it considers a further hearing is necessary.
11. The time limit for appealing to the Court of Appeal shall be 21 days from the date of the courts' determination in accordance with paragraph 10 above.

## **GUIDANCE NOTES**

### **Effect of this Order**

A Defendant who is an individual who is ordered not to do something must not do it himself or in any other way. He must not do it through others acting on his behalf or on his instructions or with his encouragement.

### **Parties other than the Applicant and Respondent Effect of this order:**

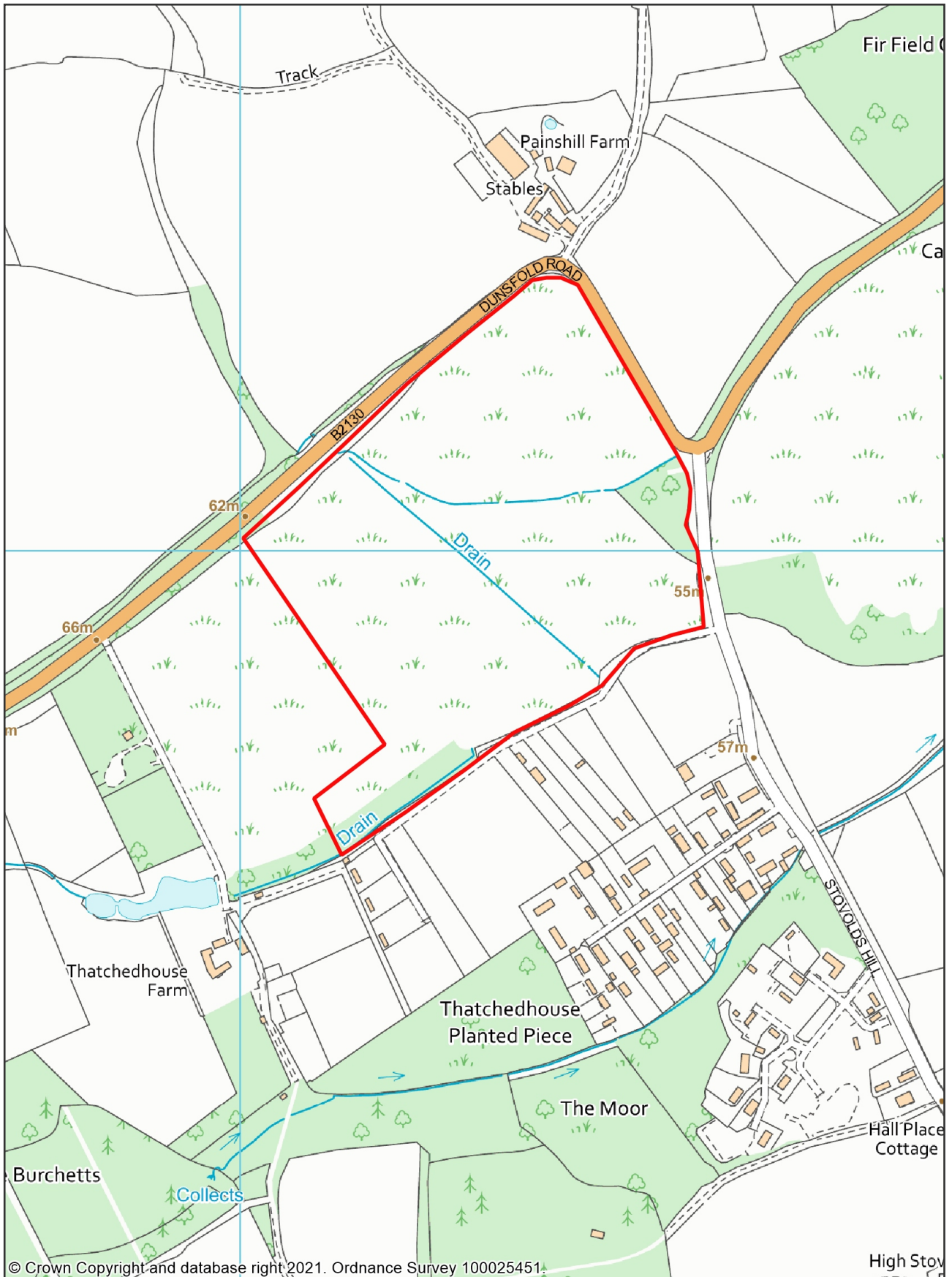
It is a contempt of court for any person notified of this Order knowingly to assist in or permit a breach of this Order. Any person doing so may be sent to prison, fined or have his assets seized.

### **Communications with the Court**

All communications to the Court about this Order should be sent to [KBJudgesListingOffice@justice.gov.uk](mailto:KBJudgesListingOffice@justice.gov.uk) and Room WG 08, Royal Courts of Justice, Strand, London, WC2A 2LL (020 7947 6010). The offices are open between 10 am and 4:30pm Monday to Friday.

BY THE COURT

# Plan A

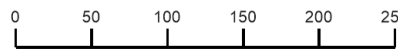


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## Waverley Borough Council application for injunction at Land North of Lydia Park

Waverley Borough Council  
The Bury, Godalming  
Surrey, GU7 1HR  
Telephone: 01483 523333  
Fax No: 01483 426337



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