

Palace Auctions (London) Ltd

11 Old Bond Street

Mayfair

London, W1S 4PN18 November 2025Ms. Joanna Searle

Planning Enforcement Team Leader

Council of the Borough of Guildford

Email: Joanna.Searle@guildford.gov.uk

Tuesday, 18 November 2025

**Re: TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 2015
ARTICLE 4 DIRECTION – Land with frontage to Long Reach, Silkmore Lane and Green Lane
West, Long Reach, West Horsley**

Your Reference: EN/24/00314

Dear Ms. Searle,

We write on behalf of our clients as the appointed land agents and auctioneers for the freehold owners of the above-referenced land.

We have received and carefully reviewed your correspondence dated 11th November 2025 and the accompanying Article 4 Direction made on 10th December 2024.

We must express our **serious concern** regarding both the scope of the Article 4 Direction and the interpretation presented in your enforcement correspondence.

While we fully acknowledge the legitimate need for appropriate planning controls, we submit that the current approach appears to **exceed statutory authority** and may constitute an **unlawful interference with fundamental property rights**.

Specific Concerns Regarding the Article 4 Direction

Prohibition on Access Protection

Your letter of correspondence states:

"The Article 4 Direction prohibits the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure being development."

The Article 4 Direction Schedule further specifies:

"(a) The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure being development comprised within Class A of Part 2 of Schedule 2 of the said Order and not being development comprised within any other class."

We submit that this **blanket prohibition**, if interpreted as preventing any form of access protection or security measures, is both **disproportionate and potentially unlawful**.

The freehold owner's fundamental right to secure their property cannot be entirely extinguished without proper legal process and compensation.

Complete Removal of 28-Day Use Rights

Your correspondence further states:

"The Article 4 Directive also removes from the land the rights to use the Land for any purpose, for not more than a total of 28 days in any calendar year."

The Direction specifies:

"(b) The use of the land for any purpose for not more than 28 days in total in any calendar year... being development comprised within Class B of Part 4 of Schedule 2 of the said Order."

This **removal of temporary use rights** on first blush effectively prevents the landowner from any normal agricultural activities, maintenance work, or legitimate land management that might otherwise fall within the 28-day rule.

Again we respectfully submit that this goes **far beyond the intended scope of Article 4 powers** and may constitute an **abuse of statutory authority**.

Legal Concerns and Challenges

A. Proportionality and Necessity

The restrictions appear **disproportionate** to any legitimate planning objective. Article 4 Directions should be used sparingly and only where necessary to protect local amenity or proper planning. The blanket prohibition on all enclosures and temporary uses appears to exceed this threshold.

B. Procedural Defects

We question whether **proper consultation procedures** have been followed. Have **ALL affected freehold owners** been individually notified of the Article 4 Direction as is required by statutory procedure?

We request immediate confirmation that full and proper notification has been completed.

C. Potential Unlawfulness

The combined effect of these restrictions may render the land **incapable of any reasonable use or enjoyment** by the freehold owners. This could constitute **constructive expropriation** without the procedural safeguards and compensation provisions required for compulsory purchase.

Specific Requests for Clarification

We formally request immediate clarification on the following matters:

Compulsory Purchase Intentions

Does the Council intend to proceed with a Compulsory Purchase Order for the affected land? If the practical effect of the Article 4 Direction is to render the land unusable by the freehold owner, proper CPO procedures with compensation should be followed.

2. Scope of Restrictions

Please confirm whether the Article 4 Direction is intended to:

- a) Prevent **ALL forms of gates or fencing**, including basic security measures?
- b) Prohibit **ALL temporary uses**, including agricultural activities and land maintenance?
- c) Effectively prevent **any use or enjoyment** of the land by the freehold owner?

3. Legal Basis

Please provide the **specific legal basis and justification** for restrictions of this scope and severity, including evidence that less restrictive measures were considered and rejected.

4. Landowner Notification

Please confirm that **ALL affected landowners** have been properly notified in accordance with statutory requirements under Schedule 3 of the GPDO 2015.

Formal Challenge to Current Interpretation

Key Finding:

Subject to our further instructions from land owners.

The current interpretation and enforcement of the Article 4 Direction appear to us (the agents) to exceed the proper scope of Article 4 powers, are disproportionate, may be unlawful, and may not satisfy procedural requirements.

Without prejudice to any legal remedies available to our clients, we **formally challenge** the current interpretation and enforcement of the Article 4 Direction on the following grounds:

- The restrictions **exceed the proper scope** of Article 4 powers under the GPDO 2015.
 - The approach is **disproportionate** and may be unlawful.
 - **Proper procedural requirements** may not have been satisfied.
 - The combined effect may constitute **unlawful expropriation** without compensation.
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Requested Action

We respectfully but firmly request that the Council:

1. Provide **immediate written clarification** on the matters raised above.
2. Confirm whether a **Compulsory Purchase Order** is intended.
3. Confirm that **all affected landowners** have been properly notified.
4. **Review the scope and interpretation** of the Article 4 Direction to ensure it does not exceed statutory authority.
5. Consider whether the current approach is **proportionate and lawful**.

We trust you will give these serious concerns **urgent consideration**.

We reserve our clients' rights to pursue all available legal remedies, should they wish to do so, including judicial review, statutory challenge, or compensation claims as may be appropriate.

We look forward to your prompt and substantive response to the matters raised.

Yours faithfully,

PALACE AUCTIONS (LONDON) LTD

Acting as Land Agents and Auctioneers for the Freehold Owners

cc: Legal Department, Guildford Borough Council
Planning Committee, Guildford Borough Council

Encl: Copy of your letter dated 11th November 2025
Copy of Article 4 Direction dated 10th December 2024

NOTICE: This letter is written without prejudice to any legal rights or remedies available to our clients. Any failure to respond adequately to the matters raised may result in formal legal proceedings without further notice.