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Democratic Services



PLANNING COMMITTEE

Thursday 8 February 2024 at 7.30 pm

**Place: Council Chamber - Epsom Town Hall,
<https://www.youtube.com/@epsomandewellBC/playlists>**

Online access to this meeting is available on YouTube: [Link to online broadcast](#)

The members listed below are summoned to attend the Planning Committee meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

Councillor Humphrey Reynolds
(Chair)
Councillor Steven McCormick (Vice-
Chair)
Councillor Kate Chinn
Councillor Neil Dallen
Councillor Julian Freeman

Councillor Jan Mason
Councillor Bernie Muir
Councillor Phil Neale
Councillor Peter O'Donovan
Councillor Clive Woodbridge

Yours sincerely

A handwritten signature in black ink, appearing to read "Ding".

Chief Executive

For further information, please contact democraticservices@epsom-ewell.gov.uk or tel: 01372 732000

EMERGENCY EVACUATION PROCEDURE

No emergency drill is planned to take place during the meeting. If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by council staff. It is vital that you follow their instructions.

- You should proceed calmly; do not run and do not use the lifts;
- Do not stop to collect personal belongings;
- Once you are outside, please do not wait immediately next to the building, but move to the assembly point at Dullshot Green and await further instructions; and
- Do not re-enter the building until told that it is safe to do so.

Please note that this meeting will be held at the Town Hall, Epsom and will be available to observe live using free YouTube software.

A link to the online address for this meeting is provided on the first page of this agenda. A limited number of seats will be available on a first-come first-served basis in the public gallery at the Town Hall. If you wish to observe the meeting from the public gallery, please arrive at the Town Hall reception before the start of the meeting. A member of staff will show you to the seating area. For further information please contact Democratic Services, email: democraticservices@epsom-ewell.gov.uk, telephone: 01372 732000.

Information about the terms of reference and membership of this Committee are available on the [Council's website](#). The website also provides copies of agendas, reports and minutes.

Agendas, reports and minutes for this Committee are also available on the free Modern.Gov app for iPad, Android and Windows devices. For further information on how to access information regarding this Committee, please email us at Democraticservices@epsom-ewell.gov.uk.

A [glossary of Planning terms and acronyms](#) is available to view on the Council's website.

Public speaking

Public speaking in support or against planning applications is permitted at meetings of the Planning Committee. Two speakers can register to speak in support (including the applicant/agent) and two can register to speak against any single application. Speakers will be registered in the order that submissions to register are received. An individual can waive their right to speak in favour of an individual who attempted to register at a later time, or alternatively, several members of the public may appoint one person to speak on their behalf, provided agreement to this arrangement can be reached amongst themselves.

Speakers shall have a maximum of 3 minutes to address the Committee and remarks must be confined to the application upon which the speaker registered.

For more information on public speaking protocol at Planning Committee meetings, please see [Annex 4.8](#) of the Epsom & Ewell Borough Council Operating Framework.

If you wish to register to speak on an application at a meeting of the Planning Committee, please contact Democratic Services by email at democraticservices@epsom-ewell.gov.uk, or by telephone on 01372 732000 in advance of the deadline for registration. Please state the application(s) on which you wish to speak, and whether you wish to speak in support or against the application.

The deadline for registration to speak on an application at a meeting of the Planning Committee is Noon on the day of the meeting.

Exclusion of the Press and the Public

There are no matters scheduled to be discussed at this meeting that would appear to disclose confidential or exempt information under the provisions Schedule 12A of the Local Government Act 1972 (as amended). Should any such matters arise during the course of discussion of the below items or should the Chair agree to discuss any other such matters on the grounds of urgency, the Committee may wish to resolve to exclude the press and public by virtue of the private nature of the business to be transacted.

Filming and recording of meetings

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Filming or recording must be overt and persons filming should not move around the room whilst filming nor should they obstruct proceedings or the public from viewing the meeting. The use of flash photography, additional lighting or any non-handheld devices, including tripods, will not be allowed.

Guidance on Predetermination /Predisposition

The Council often has to make controversial decisions that affect people adversely and this can place individual members in a difficult position. They are expected to represent the interests of their constituents and political party and have strong views but it is also a well established legal principle that members who make these decisions must not be biased nor must they have pre-determined the outcome of the decision. This is especially in planning and licensing committees. This Note seeks to provide guidance on what is legally permissible and when members may participate in decisions. It should be read alongside the Code of Conduct.

Predisposition

Predisposition is lawful. Members may have strong views on a proposed decision, and may have expressed those views in public, and still participate in a decision. This will include political views and manifesto commitments. The key issue is that the member ensures that their predisposition does not prevent them from consideration of all the other factors that are relevant to a decision, such as committee reports, supporting documents and the views of objectors. In other words, the member retains an “open mind”.

Section 25 of the Localism Act 2011 confirms this position by providing that a decision will not be unlawful because of an allegation of bias or pre-determination “just because” a member has done anything that would indicate what view they may take in relation to a matter relevant to a decision. However, if a member has done something more than indicate a view on a decision, this may be unlawful bias or predetermination so it is important that advice is sought where this may be the case.

Pre-determination / Bias

Pre-determination and bias are unlawful and can make a decision unlawful. Predetermination means having a “closed mind”. In other words, a member has made his/her mind up on a decision before considering or hearing all the relevant evidence. Bias can also arise from a member’s relationships or interests, as well as their state of mind. The Code of Conduct’s requirement to declare interests and withdraw from meetings prevents most obvious forms of bias, e.g. not deciding your own planning application. However, members may also consider that a “non-pecuniary interest” under the Code also gives rise to a risk of what is called apparent bias. The legal test is: “whether the fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility that the Committee was biased”. A fair minded observer takes an objective and balanced view of the situation but Members who think that they have a relationship or interest that may raise a possibility of bias, should seek advice.

This is a complex area and this note should be read as general guidance only. Members who need advice on individual decisions, should contact the Monitoring Officer.

AGENDA

1. DECLARATIONS OF INTEREST

Members are asked to declare the existence and nature of any Disclosable Pecuniary Interests in respect of any item of business to be considered at the meeting.

2. MINUTES OF THE PREVIOUS MEETING (Pages 5 - 6)

The Committee is asked to confirm as a true record the Minutes of the Meeting of the Committee held on the 11 January 2024 (attached) and to authorise the Chair to sign them.

3. HOBLEDOWN, HORTON LANE, EPSOM, SURREY, KT19 8PT (Pages 7 - 28)

Construction of a Lemur enclosure, including an entrance structure (retrospective).

4. HOBLEDOWN, HORTON LANE, EPSOM, SURREY, KT19 8PT (Pages 29 - 50)

Construction of a Prairie Dog enclosure (retrospective).

5. HOBLEDOWN, HORTON LANE, EPSOM, SURREY, KT19 8PT (Pages 51 - 70)

Installation of play equipment and construction of timber covered entrance and exit ways and a buggy storage area outside the Imaginarium within Hobbledown (retrospective).

6. NORTHEY AVENUE SPORTS GROUND, NORTHEY AVENUE, CHEAM SM2 7HN (Pages 71 - 88)

Extensions and internal alterations to existing Sports Ground Pavilion.

7. APPEALS REPORT (Pages 89 - 94)

The summary of all Planning Appeal Decisions and Current Appeals between October-December 2023.

Minutes of the Meeting of the PLANNING COMMITTEE held at the Council Chamber, Epsom Town Hall on 11 January 2024

PRESENT -

Councillor Humphrey Reynolds (Chair); Councillor Steven McCormick (Vice-Chair); Councillors Kate Chinn, Neil Dallen, Julian Freeman, Jan Mason, Bernie Muir, Phil Neale, Peter O'Donovan and Clive Woodbridge

In Attendance: Ward Councillor Liz Frost

Officers present: Simon Taylor (Planning Development & Enforcement Manager), Gemma Paterson (Principal Planning Officer), Alex Awoyomi (Solicitor) and Phoebe Batchelor (Democratic Services Officer)

34 DECLARATIONS OF INTEREST

No Disclosable Pecuniary Interests were declared by Members with respect to any item of business to be considered at the meeting.

35 MINUTES OF THE PREVIOUS MEETING

The Committee confirmed as a true record the Minutes of the Meeting of the Committee held on the 14 December 2023 and authorised the Chair to sign them.

36 DEVELOPMENT SITE AT LANGLEY BOTTOM FARM, LANGLEY VALE ROAD, EPSOM, SURREY

The Committee received a presentation on the application from the Principal Planning Officer.

Description:

Variation of Condition 2 (Approved Plans) of planning permission 20/00475/FUL allowed at appeal to make elevational amendments to Plots 1-3, 14-16 and 17-20.

Officer Recommendation:

Approval, subject to conditions and Deed of Variation.

Public Speaking:

The Ward Councillor who called-in the application spoke.

The Agent spoke in support of the application.

Decision:

Following consideration, the Committee voted (4 for, 5 against, and the Chair not voting), against the Officer recommendation, and the motion was lost.

Following further consideration, Councillor Neil Dallen proposed that the application be refused for the following reason:

Reason: The proposed development is of a poor design for the local rural setting, causing material harm to the rural character and appearance of the area, contrary to Policy CS5 of the Core Strategy 2007, Policies D9 and D10 of the Development Management Policies Document 2015 and Section 12 of the National Planning Policy Framework 2023.

The proposal was seconded by Councillor Bernie Muir.

The Committee resolved (5 for, 4 against, and the Chair not voting) that:

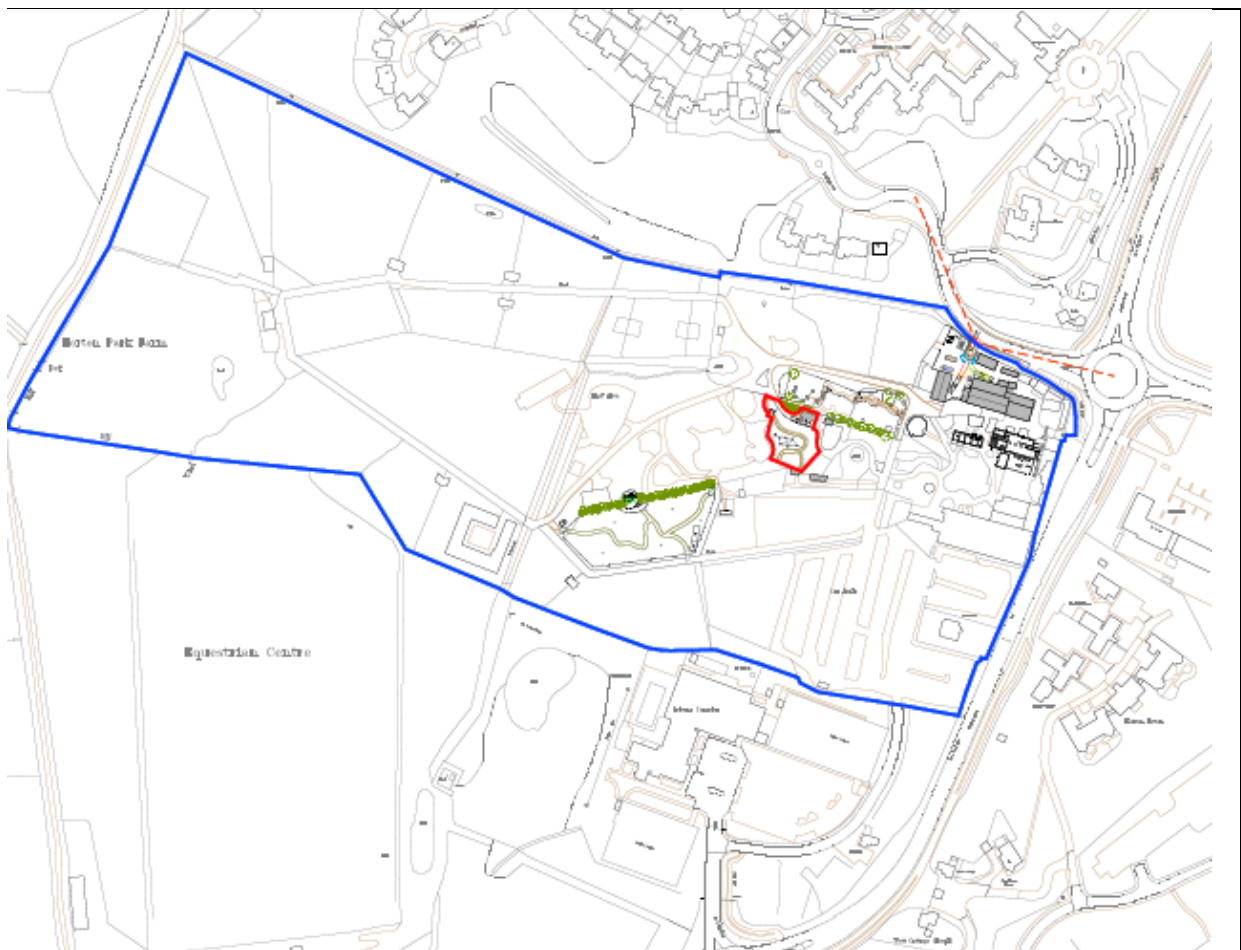
The application be **REFUSED**.

The meeting began at 7.30 pm and ended at 8.20 pm

COUNCILLOR HUMPHREY REYNOLDS (CHAIR)

Hobbledown, Horton Lane, Epsom, Surrey, KT19 8PT

Application Number	23/01343/FUL
Application Type	Full Planning Permission (Minor)
Address	Hobbledown, Horton Lane, Epsom KT19 8PT
Ward	Horton
Proposal	Construction of a Lemur enclosure, including an entrance structure (retrospective)
Expiry Date	05 January 2024
Recommendation	Approval, subject to conditions and informatives
Number of Submissions	6
Reason for Committee	Called in by Ward Member
Case Officer	Ginny Palmer
Contact Officer	Simon Taylor, Interim Manager
Plans, Documents and Submissions	Available here



SUMMARY

1. Summary and Recommendation

- 1.1 This application is a minor planning application, but has been called into Planning Committee by Cllr Kieran Persand for the following reasons:
- *Conflict with policies DM 1, 4 and 6, CS 1, 2, 3, 5 and 6, and NPPF paras 137 and 149 (former paragraphs of NPPF)*
 - *Failure to comply with Conditions 8 and 9 of planning permission 11/00511/FUL*
 - *Visual effect on the landscape.*
 - *Flood, including failing to comply with policy DM19 and NPPF paras 160, 161, 167 (former paragraphs of NPPF)*
- 1.2 The Application Site ('Site') is an area of land within the wider Hobbledown Site, where an animal enclosure has been constructed to house Lemurs. Retrospective planning permission is sought, as the development is built.
- 1.3 The wider Hobbledown site is subject to an extensive planning history. This is detailed within this Report.
- 1.4 This application has received objections from nearby neighbours. The objections have been considered by Officers within the assessment of this application.
- 1.5 The site is within the Green Belt but acceptable in principle as it not defined as inappropriate development. It forms an acceptable part of the Hobbledown Site, and the application is recommended for approval, subject to conditions.

PROPOSAL

2. Description of Proposal

- 2.1. The proposal involves the erection of a Lemur enclosure, including:
- Mix of post and electric wire and timber post fencing with timber gates around the perimeter and to a height of 2.5-4m
 - Timber post structure, infilled with protective netting and controlled metal access gate (445cm in width, 290cm in depth and 240cm in height)
 - Paths through the site for visitors
 - Seven timber posts to 6m height with connecting ropes
 - 37m² timber animal shelter

3. Key Information

	Existing	Proposed
Site Area	0.11 hectares	
Floorspace	Not specified	Additional 37m2
Car Parking Spaces	No change	
Cycle Parking Spaces	No change	

SITE

4. Description

- 4.1. The Application Site ('Site') is an area of land within the wider Hobbledown site, where an animal enclosure has been constructed to house Lemurs.
- 4.2. The Site comprises a post, wire and timber fencing, timber entrance gates, walkthrough pathways, towers, connecting ropes for the Lemurs and a timber animal shelter.

5. Constraints

- Green Belt
- Great Crest Newt Impact Zone.

6. History

Application number	Application detail	Decision date
24/00026/REM	Variation of Condition 20 (Field Restrictions) of Planning Permission 11/00511/FUL to allow Zone F8 of the approved Masterplan to be accessed by the public for the purposes of an animal walkthrough area (retrospective)	Pending
24/00025/REM	Variation of Condition 20 (Field Restrictions) of Planning Permission 11/00511/FUL to allow Zone F1 of the approved Masterplan to be accessed by the public for the purposes of an animal walkthrough area (retrospective)	Pending
24/00024/REM	Variation of Condition 20 (Field Restrictions) of Planning Permission 11/00511/FUL (dated 09.12.2011) to allow part of Zone F2 of the approved masterplan to be used as an ancillary service yard area (retrospective)	Pending
23/01349/FUL	Installation of play equipment and construction of timber covered entrance and exit ways and a buggy	Pending

Application number	Application detail	Decision date
	storage area outside the Imaginarium within Hobbledown (Retrospective)	
23/01345/FUL	Construction of Prairie Dog enclosure (Retrospective)	Pending
23/01114/REM	Removal of Condition 25 (Parking Restrictions and TRO), Condition 28 (Modification to Existing Access), Condition 29 (Delivery Management Plan) of Planning Permission ref: 22/00013/REM (dated 31.03.2023) 22/00013/REM Description of Development: Variation of Condition 14 (vehicular access) of planning application 11/00511/FUL to allow deliveries to the farm shop and cafe via McKenzie Way access	Pending
22/00009/FUL	Siting and installation of restroom facilities	Granted 31 March 2023
22/00011/REM	Variation of condition 20 of planning permission 11/00511/FUL to allow for Zones 9 and Zone 10 to be accessed by the public for the purposes of overflow car parking at times of peak demand	Granted 31 March 2023
22/00013/REM	Variation of Condition 14 (vehicular access) of planning application 11/00511/FUL to allow deliveries to the farm shop and cafe via McKenzie Way access	Granted 31 March 2023
21/02021/FUL	Installation of timber and netting outdoor play structures, installation of 3 no. bounce pillows and construction of Lorikeet enclosure/structure (retrospective)	Granted 31 March 2023
19/01691/FUL	Development of a bird of prey shelter	Granted 10 December 2020
19/01573/REM	Amendment to play structure permitted under 17/00988/FUL to provide new smaller play structure for younger children	Granted 16 March 2020
18/00154/FUL	Erection of bird of prey shelter	Refused 03 July 2018
18/00141/FUL	Use of land for the siting of one canvas yurt and one timber clad tepee	Granted 04 July 2018
18/00044/FUL	Siting of eight animal shelters (retrospective)	Granted 15 June 2018
17/00988/FUL	Addition of timber and netting outdoor play structure	Granted 20 December 2017
14/00144/FUL	Creation of overflow car parking area and associated landscaping	Granted at appeal, 02.07.2015

Application number	Application detail	Decision date
14/00145/REM	Variation of Condition 3 (amplified sound) of permission 11/00511/FUL to allow the use of amplified sound without permanent Public Address Systems for children's entertainment activities within designated areas of the site subject to restrictions on audience capacity, hours of use and noise levels	Granted 28 July 2014
14/00146/REM	Variation of Condition 20 of 11/00511/FUL (Continued use of agricultural/educational farm as children's farm (sui generis) including extension to main barn, new entrance kiosk, replacement lean-to barn, replacement kiosk, replacement of party/school rooms, relocation of play equipment, creation of new pond, additional landscaping, biodiversity improvements and new sensory/kitchen garden) to remove the reference to Zone F.7 on the approved plan 6773/50 Rev H that restricts its use solely for the keeping of animals and not, at any time, being accessible to the public, in order to allow it to be utilised as an extension to the existing car park	Granted at appeal, 02 July 2017
13/01184/FUL	Demolition of an existing kiosk and relocation and erection of a replacement kiosk building and the demolition of an existing handwash facility and erection of a replacement toilet block building incorporating handwash facility	Granted 14 February 2014
13/00499/FUL	Roof canopy extension to main barn, to provide covered space for existing outdoor eating area	Granted 15 October 2013
11/01394/NMA	Revision of entrance kiosk layout and revised floor layout. Re- use of existing playrooms and new barn (6773/71D) not being constructed	Granted 1 June 2012
11/00511/FUL	Continued use of agricultural/educational farm as children's farm (sui generis) including extension to main barn, new entrance kiosk, replacement lean to barn, replacement kiosk, replacement of party/school rooms, location of play equipment, creation of new pond, additional landscaping, biodiversity improvements and new sensory/kitchen garden (amended description_	Granted 09 December 2011
98/00724/FUL	Erection of open fronted hay barn & new machinery shed, and erection of a new barn suitable for demonstration, picnic and play area involving demolition of old open sided barn	Granted 08 April 1999
98/00220/FUL	Extension to existing car park for visitors	Granted 10 September 1998

- 6.1. The original planning permission (ref: 11/00511/FUL) permitted the continued use of an agricultural/educational children’s farm, at Horton Park Childrens Farm, Horton Lane, Epsom. This is viewed as the original permission for the Hobbledown Site. Since the grant of the original planning permission, several planning applications have been approved, which authorised further development on the land.
- 6.2. The original planning permission approved a Masterplan (ref: 6773/50 Rev H). In respect of this current application, this Site is located predominantly within Zone C of the approved Masterplan.
- 6.3. Condition 19 of the original planning permission stated that play activities and equipment shall only be sited on or take place in the areas marked Zone A, Zone B, Zone C, Zone D, Zone E.4, Zone H, Zone I and Zone K, with play activities and grazing only to take place in Zone F.5.
- 6.4. Condition 20 of the original planning permission stated that Zones F1 to 4 inclusive and Zones F. 6 to 10 may only be used for the keeping of animals and not at any time shall be accessible to the public.
- 6.5. Subsequent planning permissions, under ref: 14/00146/REM and 22/00011/REM varied Condition 20, allowing public access to Zones F7, F9 and F10, and allowing the use of these areas for parking provision associated with the wider use of the Hobbledown site.
- 6.6. The development subject of this application is not considered to conflict with the provisions of either Conditions 19 or 20 of the original planning permission.

CONSULTATIONS

Consultee	Comments
Internal Consultees	
Highway Authority	No objection
Flood Authority	No objection
Surrey Archaeology	No objection
Newt Officer	No comments
Ecology	Some habitat was removed and as such there could have been negative effects on biodiversity
Policy	No comments received
External Consultees	
Woodland Trust	No comment provided

Consultee	Comments
Natural England	No comment provided
Surrey Wildlife Trust	No comment provided
Public Consultation	
Neighbours	<p>The application was advertised by neighbour notification to 11 neighbouring properties and by public advertisement. 6 submissions were received which raised the following issues:</p> <ul style="list-style-type: none"> • Inappropriate development within the Green Belt • Loss of open space within the Green Belt and visual effect on the landscape • Flood risk • Felled trees, building over grassland, impacting biodiversity <p><u>Officer comment:</u> This is discussed in the body of the report.</p> <ul style="list-style-type: none"> • Failure to comply with Conditions 8 and 9 of planning permission 11/00511/FUL <p><u>Officer comment:</u> This is discussed in the Planning History at Section 6.</p>
Ward Member	No comments were received.
Residents Association	No comments were received.

PLANNING LEGISLATION, POLICY, AND GUIDANCE

7. Legislation and Regulations

- 7.1. Town and Country Planning Act 1990
- 7.2. Environment Act 2021
- 7.3. Community Infrastructure Levy Regulations 2010

8. Planning Policy

8.1. National Planning Policy Framework 2023 (NPPF)

- Section 2: Achieving Sustainable Development
- Section 6: Building a Strong, Competitive Economy
- Section 8: Promoting Healthy and Safe Communities
- Section 9: Promoting Sustainable Transport
- Section 12: Achieving Well-Designed and Beautiful Places
- Section 13: Protecting Green Belt Land
- Section 14: Meeting the Challenge of Climate Change, Flooding and Coastal Change

8.2. Epsom and Ewell Core Strategy 2007 (CS)

- Policy CS1: Sustainable Development
- Policy CS2: Green Belt
- Policy CS3: Biodiversity and Designated Nature Conservation Areas
- Policy CS5: The Built Environment
- Policy CS16: Managing Transport and Travel

8.3. Epsom and Ewell Development Management Policies Document 2015 (DMPD)

- Policy DM3: Replacement and Extensions of Buildings in the Green Belt
- Policy DM4: Biodiversity and New Development
- Policy DM5: Trees and Landscape
- Policy DM6: Open Space Provision
- Policy DM9: Townscape Character and Local Distinctiveness
- Policy DM10: Design Requirements for New Developments
- Policy DM19: Development and Flood Risk
- Policy DM35: Transport and New Development
- Policy DM36: Sustainable Transport for New Development
- Policy DM37: Parking Standards

9. Supporting Guidance

9.1. National Planning Policy Guidance (NPPG)

- Effective Use of Land
- Green Belt
- Open Space, Sports and Recreation Facilities, Public Rights of Way, and Local Green Space.

PLANNING ASSESSMENT

10. Principle of Development: Green Belt and Community Facilities

- 10.1. Paragraph 142 of the NPPF sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 10.2. Paragraph 143 of the NPPF sets out that the Green Belt serves five purposes:
- a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

- 10.3. Paragraph 152 of the NPPF sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 10.4. Paragraph 154 of the NPPF sets out that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include (inter alia): b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
- 10.5. Policy CS2 of the Core Strategy establishes that strict control will continue to be exercised over inappropriate development as defined by Government policy.
- 10.6. There are concerns from the Councillor who called in this planning application, and neighbours, that the proposal does not comply with Policy CS2, constituting inappropriate development within the Green Belt. This has been considered by Officers within the assessment of this planning application.
- 10.7. The proposal complies with a – e of paragraph 143 of the NPPF, as the Site is within the wider Hobbledown site, and does not encroach outside of this.
- 10.8. The provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport and outdoor recreation is not inappropriate in the Green Belt, if the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
- 10.9. Openness is one of the essential characteristics of the Green Belt. It is the absence of buildings or development. Openness is epitomised by the lack of buildings rather than those that are unobtrusive or screened in some way. As such, there is a clear distinction between openness and visual impact.
- 10.10. The Lemur Dog enclosure is positioned within the wider Hobbledown site, surrounded by development. The items that make up the enclosure include:
 - Fencing and walls that enclose the enclosure and the entrance area into the enclosure are required for containment of the Lemurs. These elements are evident in the landscape but still preserve the openness by blending with the landscaping and/or comprising an open appearance (eg nets and open fencing)
 - The enclosure itself, consisting of poles and ropes, adds little to the built form of the site

- The shelter structure is modest in its nature and well contained amongst other built development

10.11. The proposal subject of this planning application represents the provision of outdoor leisure/recreational facilities, complying with b) of paragraph 154 of the NPPF. The test is then whether the proposal preserved the openness of the Green Belt and does not conflict with the purposes of including land within it. This is discussed in the below paragraph.

10.12. The wider Hobbledown site does not benefit from the absence of buildings or development. Instead, it comprises a variety of buildings, structures and play equipment. The proposal does not further erode the openness or character of the Green Belt or have any significant greater impact on the openness of the Green Belt, or the purposes of including land within in, given that it is located within the wider Hobbledown site, which is subject to buildings and development. This is best depicted in the aerial photograph below.



10.13. On the aspect of openness, a recent appeal decision at Northwood Golf Club, Rickmansworth Road, Northwood HA6 2QW (Appeal reference: APP/R5510/W/22/3306805) offers a reasonable interpretation of what would be considered to preserve openness:

“...Logic dictates that it must be possible to permit a new such building whilst also preserving openness, as otherwise this exception would serve no purpose. Hence, ‘preservation’ should not be interpreted to mean that it precludes any additional spatial built form. The courts have established that openness has spatial and visual aspects and that the matters relevant to openness are a matter of planning judgement in each case.” (paragraph 13).

“In this case there are several matters that lead me to find that the proposed building would preserve the openness of the Green Belt. This is for the following reasons. Firstly, the proposed building would be

sited within a well established groundkeeper's enclave area of the golf course." (paragraph 14).

10.14. The same approach is adopted here. Whilst there is some built form, it is minor in its scale and form, and it is well contained amongst the rest of the development in the Hobbledown Site. This has been the considered approach in previous assessments of planning applications on the wider Hobbledown site, retrospective or otherwise. The proposal therefore complies with (b) of paragraph 154 of the NPPF and Policy CS2 and is acceptable in principle.

10.15. The proposal also constitutes "engineering operations", given that it comprises pathways. b) of paragraph 155 of the NPPF allows for engineering operations, so long as the proposal preserved openness and does not conflict with the purposes of including land within it. As above, the proposal does not further erode the openness or character of the Green Belt or have any significant greater impact on the openness of the Green Belt, or the purposes of including land within in as the paths are gavel and limited to ground level.

10.16. The proposal does not constitute inappropriate development and there would be no need to demonstrate that Very Special Circumstances exist in order that development can be approved.

10.17. Community Facilities

10.18. Policy CS13 sets out that the loss of community, cultural and built sports facilities, particularly those catering for the young or old will be resisted (unless certain criteria is demonstrated). The provision of new community, cultural and built sports facilities, and the upgrading of those facilities, will be encouraged, particularly where they address a deficiency in current provision, and where they meet the identified needs of communities both within the Borough and beyond.

10.19. Policy DM25 sets out that planning permission for employment developments will be approved, provided that (inter alia) the accommodation is flexible and suitable to meet future needs, especially to provide for the requirements of local businesses and small employers and the development must not significantly harm the amenities of nearby occupiers nor cause adverse environmental impact on the surrounding area.

10.20. Policy DM34 sets out that planning permission will be given for new or extensions to existing social infrastructure on the basis that it (inter alia) meets an identified need, is co-located with other social infrastructure uses, is of a high-quality design and does not have a significant adverse impact on residential character and amenity.

10.21. The proposal supports the continued vitality and sustainable operation of the wider Hobbledown site, which is a valued visitor tourist attraction and community facility within the Borough. The proposal complies with Policies CS13 and DM34.

11. Design, character, and impact upon the landscape

11.1. Paragraphs 125, 130 and 134 of the NPPF refer to the need for functional and visually attractive development that is sympathetic to local character and history. Policy CS5 of the CS requires high quality design that is attractive, relates to local distinctiveness and complements the attractive characteristics of the area.

11.2. Paragraph 174 of the NPPF requires that planning applications enhance the natural and local environment by 'recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

11.3. Policy CS5 of the CS sets out that the Council will protect and seek to enhance the Borough's heritage assets. High quality design will be required for all developments.

11.4. Policy DM6 of the DMPD sets out that development proposals should not result in the whole or partial loss of open space, outdoor recreation facilities or allotments, unless:

- Accompanied by assessment that clearly demonstrates that the provision is surplus; or
- The proposal delivers replacement provision of equal or better quality within the locality; or
- The proposal is for new sports and or recreation provision, the needs for which clearly outweigh the loss.

11.5. Policy DM9 of the DMPD requires a positive contribution to and compatibility with the local character and the historic and natural environment and Policy DM10 requires good design that respects, maintains or enhances the prevailing house types and sizes, density, scale, layout, height, form and massing, plot width and building separation, building lines and key features.

11.6. There are concerns from the Councillor who called in this planning application that it does not comply with Policies CS5 and DM6. This has been considered by Officers within the assessment of this planning application.

11.7. The original planning permission (ref: 11/00511/FUL) permitted the continued use of an agricultural/educational children's farm, at Horton Park Childrens Farm, Horton Lane, Epsom. Since the grant of the original planning permission, numerous planning applications have been

approved, which authorised the extension and erection of various buildings and facilities on the land and the continued expansion of the Site.

11.8. This proposal improves the community facilities offered at the wider Hobbledown site, engaging children with the outdoors, offering play equipment and educational learning too. It is also noted that Hobbledown provides local employment opportunities, and its expansion enables the business to continue to prosper.

11.9. The design of the Lemur enclosure is as follows:

- Mix of post and electric wire and timber post fencing with timber gates around the perimeter and to a height of 2.5-4m
- Paths through the site for visitors
- Seven timber posts to 6m height with connecting ropes
- 37m² timber animal shelter
- Timber post structure, infilled with protective netting and controlled metal access gate (445cm in width, 290cm in depth and 240cm in height)

11.10. The materials used in the construction of the Lemur enclosure are in keeping with existing materials used within the wider Hobbledown site and sustain its rural character or natural setting (e.g., use of timber within the boundary fencing).

11.11. Given the context of the Site, views of the development are broadly restricted to localised views from within the wider Hobbledown site itself and some views experienced from the Public Right of Way, which runs along the northern boundary of the wider Hobbledown site. It would not impact the nearby Conservation Areas of Long Grove or Horton, as it is sufficiently removed from these.

11.12. The development is in keeping with the character and appearance of the wider Hobbledown site and complies with Policy DM9.

12. Trees

12.1. Paragraph 131 of the NPPF, Policy CS3 of the CS, Policy DM5 of the DMPD and the Householder SPG seek the retention, protection and enhancement of existing and new trees, hedgerows, and other landscape features, with removal of trees supported by sound justification and appropriate replacement planting of native species.

12.2. There are concerns from the Councillor who called in this planning application that it does not comply with Conditions 8 and 9 of the original planning permission, ref: 11/00511/FUL, dated 9th December 2011. This is a matter with an ongoing Enforcement Case. In short, the Council's Trees Officer has reviewed recent tree works on the Site and is content

that they fall within the scope of the Lease. Whether there is a breach of the planning permission remains open though the subject application, which allows for consideration of any alleged works.

- 12.3. Condition 8 set out that other than trees detailed for removal in the Arboricultural Report, dated 28 July 2011), no other trees shall be lopped, topped, or felled without the prior written consent of the Local Planning Authority, and Condition 9 set out that tree protection measures shall be carried out in strict accordance with the Arboricultural Report and Tree Protection Plan, dated 28 July 2011. These concerns have been taken into consideration by Officers, as part of the assessment of this application.
- 12.4. There are no trees subject to a Tree Protection on the Site, and the Site does not fall within a Conservation Area.
- 12.5. The development of the Lemur enclosure required the pruning and partial removal of a previous hedgerow, classed as Category C, meaning it was not an adverse or unacceptable constraint upon construction. This was reduced to a row of 0.5m high coppice stumps. The coppiced stumps have plenty of regrowth and are being managed. Where visitors walk through the walkway within the enclosure, future soil compaction should not impact upon the roots of the hedgerow.
- 12.6. Conditions 8 and 9 of the original planning permission are realised, but an Applicant can apply for full planning permission for an additional form of development on the Site. The removal of the hedgerow weighs negatively within the planning balance, but it was classed as Category C and the stumps have regrowth opportunity and are being managed.
- 12.7. The proposal accords with Policy DM5.

13. Ecology and Biodiversity

- 13.1. Paragraphs 174 and 180 of the NPPF, Policy CS3 of the CS and Policy DM4 of the DMPD require the conservation and enhancement of on-site biodiversity, with minimisation of impacts and the provision of mitigation measures. The duty of care extends to Regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 to protect species identified under Schedule 5 of the Wildlife and Countryside Act 1981 and Schedule 2 of the Conservation of Habitats and Species Regulations 2017.
- 13.2. There are concerns from the Councillor who called in this planning application that it does not comply with Policies CS3 and DM4. This has been considered by Officers within the assessment of this planning application.

- 13.3. The development has been completed, so the impacts are fully realised. Whilst the Site falls within the Green Belt, it is not within any statutory or non-statutory Nature Conservation Areas.
- 13.4. A short section of poor-quality hedgerow was in part removed to facilitate the enclosure, with remaining bushes coppiced. The Planning Statement submitted with this application sets out that this would have had some ecological value, but it was considered that the Site was generally of limited ecological potential prior to the installation of the Lemur enclosure, particularly given that it sits within the wider Hobbledown site, which is subject to recreation and leisure activities and regular footfall.
- 13.5. The Planning Statement sets out that retained elements of the hedgerow have been incorporated in the management landscaped habitat of the enclosure and the coppiced bushes are establishing again. There is also regular landscape maintenance that takes place on the wider Hobbledown site, with new planting across the wider site, to ensure opportunities for biodiversity are maintained and enhanced.
- 13.6. NatureSpace Partnership confirms that his type of application is not considered to be relevant to the District Licensing Scheme, nor would there be any impact on Great Crested Newts or their habitats.
- 13.7. The Local Planning Authority's Ecologist confirmed that some habitat has been removed, so there could have been negative effects on biodiversity, which weighs negatively within the planning balance. Should planning permission be granted, a Condition is recommended to improve the biodiversity value of this Site.

14. Neighbour Amenity

- 14.1. Policy CS5 of the CS and Policy DM10 of the DMPD seeks to protect occupant and neighbour amenity, including in terms of privacy, outlook, sunlight/daylight, and noise whilst Paragraph 185 of the NPPF and Policy CS6 of the CS seek to mitigate and reduce noise impacts.
- 14.2. The Site is positioned within the wider Hobbledown Site, with no residential properties within the immediate vicinity that would be impacted by the proposal. The nearest residential properties are located at McKenzie Way, which is approximately 80 metres north of the Site. There are animal enclosures, trees, and hedgerows within the intervening land.
- 14.3. Given the nature of the development and its positioning within the wider Hobbledown Site, there are no issues with regards to sunlight, privacy, or visual intrusion for nearby residential properties. Furthermore, given the ample distance from residential properties, there are no issues with regards to noise and disturbance for nearby residential properties. Noise associated with traffic movements and general footfall would be reasonable within the context of the existing operations.

14.4. The proposal accords with Policies CS5 and DM10.

15. Transport and car parking

- 15.1. Policy CS16 of the CS encourages an improved and integrated transport network and facilitates a shift of emphasis to non-car modes as a means of access to services and facilities. Development proposals should provide safe, convenient, and attractive accesses for all, be appropriate for the highways network, provide appropriate and effective parking provision, both on and off-site and ensure that vehicular traffic generated does not create new, or exacerbate existing, on street parking problems, nor materially increase other traffic problems.
- 15.2. The development does not affect the existing vehicular access or car parking provision and would be unlikely to result in increased movements to or from the Site. Regardless, the existing carpark is sufficient to accommodate existing operations.
- 15.3. Surrey County Council Highways (SCC Highways) is satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway. SCC Highways therefore has no highway requirements.
- 15.4. The proposal accords with Policy CS16.

16. Flooding and Drainage

- 16.1. Paragraphs 159 and 167 of the NPPF, Policy CS6 of the CS and Policy DM19 of the DMPD state that development at medium or high risk from flooding must ensure that there is no increase in flood risk, whether on or off site, and implementation of flood resilience and mitigation to reduce it to acceptable levels.
- 16.2. The site is within Flood Zone 1, but not within a Critical Drainage Area.
- 16.3. The application is supported by a Flood Risk Assessment, provided by the Applicant, which clarifies that the Site is within Flood Zone 1 and at low risk of surface water flooding. The area of hardstanding within the Lemur enclosure measures approximately 37.24m². The development is safe, without increasing flood risk elsewhere, and has an insignificant impact on the runoff regime.
- 16.4. Surrey County Council Lead Local Flood Authority reviewed the documentation and raises no objection, but recommends a Condition, should planning permission be granted, to ensure that the development accords with approved documents, including the Flood Risk Assessment, and is maintained afterwards.

16.5. The proposal accords with Policies CS6 and DM19.

17. Sustainability

- 17.1. Paragraph 85 of the NPPF accepts that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport.
- 17.2. Policy CS1 of the CS sets out that the Council expects development and use of land to contribute positively to the social, economic, and environmental improvements necessary to achieve sustainable development - both in Epsom and Ewell, and more widely. Changes should protect and enhance the natural and built environments of the Borough and should achieve high quality sustainable environments for the present, and protect the quality of life of future, generations.
- 17.3. Policy CS5 of the CS sets out that development should result in a sustainable environment and reduce, or have a neutral impact upon, pollution and climate change. The Council will expect proposals to demonstrate how sustainable construction and design can be incorporated to improve the energy efficiency of development - both new build and conversion.
- 17.4. There are concerns from the Councillor who called in this planning application that it does not comply with Policies CS1 and CS6. This has been considered by Officers within the assessment of this planning application.
- 17.5. The original planning permission (ref: 11/00511/FUL) permitted the continued use of an agricultural/educational children's farm, at Horton Park Childrens Farm, Horton Lane, Epsom. Since the grant of the original planning permission, several planning applications have been approved, which authorised the extension and erection of various buildings and facilities on the land.
- 17.6. The principle of development is established. This proposal improves the community facilities offered at the wider Hobbledown site, engaging children with the outdoors, play equipment and educational learning. Materials are mostly timber, ongoing energy use is minimal and the scale of the development is not significant. It is also noted that Hobbledown provides local employment opportunities, and its expansion enables the business to continue to prosper.
- 17.7. The proposal complies with Policy CS1.

18. Accessibility and Equality

- 18.1. Policy CS16 of the CS and Policy DM12 of the DMPD requires safe, convenient, and attractive access to be incorporated within the design of the development.
- 18.2. The Council is required to have regard to its obligations under the Equality Act 2010, including protected characteristics of age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. There would be no adverse impacts as a result of the development.

19. Refuse and Recycling Facilities

- 19.1. Policy CS6 of the CS stipulates that development should minimise waste and encourage recycling. Annex 2 of the Sustainable Design SPD sets out that storage areas for communal wheeled bins and recycling needs to allow sufficient room for both refuse and recycling containers within 6m of the public highway. The existing facilities are sufficient to accommodate any foreseeable waste generation from the proposed Lemur enclosure, including patronage and animal waste.

20. Planning Obligations and Community Infrastructure Levy

- 20.1. The Community Infrastructure Levy Charging Schedule 2014 indicates that the application is liable for CIL payments but given the recreational use and as the floorspace is less than 100m², is not chargeable.

CONCLUSION

21. Planning Balance

- 21.1. Section 2 of the NPPF has an underlying presumption in favour of sustainable development which is carried through to the Development Plan. Policy CS1 of the CS expects development to contribute positively to the social, economic, and environmental improvements in achieving sustainable development whilst protecting and enhancing the natural and built environment.
- 21.2. The proposal subject of this planning application represents the provision of outdoor leisure/recreational facilities. The Lemur enclosure is positioned within the wider Hobbledown Site, surrounded by development. The proposals do not further erode the openness or character of the Green Belt, or have any significant greater impact on the openness of the Green Belt, or the purposes of including land within in. The proposal would not constitute inappropriate development and there would be no need to demonstrate that Very Special Circumstances exist in order that development can be approved. The proposal complies with (b) of paragraph 154 of the NPPF and Policy CS2.

- 21.3. This proposal improves the community facilities offered at the wider Hobbledown site, engaging children with the outdoors, offering play equipment and educational learning too. Hobbledown provides local employment opportunities, and its expansion enables the business to continue to prosper. The development represents a sustainable form of development, and this weighs positively within the planning balance.
- 21.4. The materials used in the construction of the Lemur enclosure are in keeping with existing materials used within the wider Hobbledown site and sustain its rural character. Given the context of the Site, views of the development are broadly restricted to localised views from within the wider Hobbledown site itself and some views experienced from the Public Right of Way. It would not impact the nearby Conservation Areas of Long Grove or Horton, as it is sufficiently removed from these.
- 21.5. The development required the pruning and partial removal of a previous hedgerow, classed as Category C, meaning it was not a constraint upon construction. This was reduced to a row of 0.5m high coppice stumps. The coppiced stumps have plenty of regrowth and are being managed. Where visitors walk through the walkway within the enclosure, future soil compaction should not impact upon the roots of the hedgerow.
- 21.6. Conditions 8 and 9 of the original planning permission are realised, but an Applicant can apply for full planning permission for an additional form of development on the Site. The removal of the hedgerow weighs negatively within the planning balance, but it was classed as Category C and the stumps have regrowth opportunity and are being managed. It is also unfortunate that the hedgerow may have had ecological value. The loss of habitat weighs negatively within the planning balance.
- 21.7. The Site is positioned within the wider Hobbledown Site, with no residential properties within the immediate vicinity that would be impacted by the proposal. The nearest residential properties are located at McKenzie Way, which is approximately 80 metres north of the Site. There are animal enclosures, trees, and hedgerows within the intervening land.
- 21.8. The application is supported by a Flood Risk Assessment, which clarifies that the Site is within Flood Zone 1 and at low risk of surface water flooding. The area of hardstanding within the Lemur enclosure measures approximately 37.24m². The development is safe, without increasing flood risk elsewhere, and has an insignificant impact on the runoff regime.
- 21.9. Overall, the benefits of the proposal, including engaging children with the outdoors, offering play equipment, educational learning, providing local employment opportunities, enabling a local business to prosper, outweighs the negatives, which includes the removal of a poor-quality hedgerow, which may have had ecological value.

21.10. Economic and social benefits are afforded moderate weight. Environmental benefits, which are of some minor harm, are afforded minor weight. Overall, the benefits clearly outweigh harm and the proposal is recommended for approval, subject to Conditions.

RECOMMENDATION

To grant planning permission subject to the following conditions and informatives

Conditions

1) Approved Plans

Unless otherwise agreed in writing by the local planning authority, the development hereby permitted shall be carried out in accordance with the plan numbered 006 Rev B, received by the local planning authority on 10 November 2023 and document of Lemur Enclosure entrance/Exit Structure, received by the local planning authority on 31 January 2024.

Reason: For avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans to comply with Policy CS5 of the Core Strategy 2007.

2) Compliance with Flood Risk Assessment

The mitigation measures detailed in the approved Flood Risk Assessment (ref: HLEF03991, Version 3, dated 14 September 2023) shall be carried out in full prior to occupation of the development hereby permitted and thereafter maintained for the lifetime of the development.

Reason: In the interests of minimising flood risk in accordance with Policy CS6 of the Core Strategy 2007 and Policy DM19 of the Development Management Policies 2015.

3) Biodiversity enhancement measures

A scheme to enhance the biodiversity interest of the site shall be submitted to and agreed in writing by the local planning authority within one month of the date of this decision. The scheme shall be implemented in full and approved and thereafter maintained.

Reason: To enhance biodiversity and nature habitats in accordance with Policy CS3 of the Core Strategy (2007) and Policy DM4 of the Development Management Policies 2015.

Informatives

1) Positive and Proactive Discussion

In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

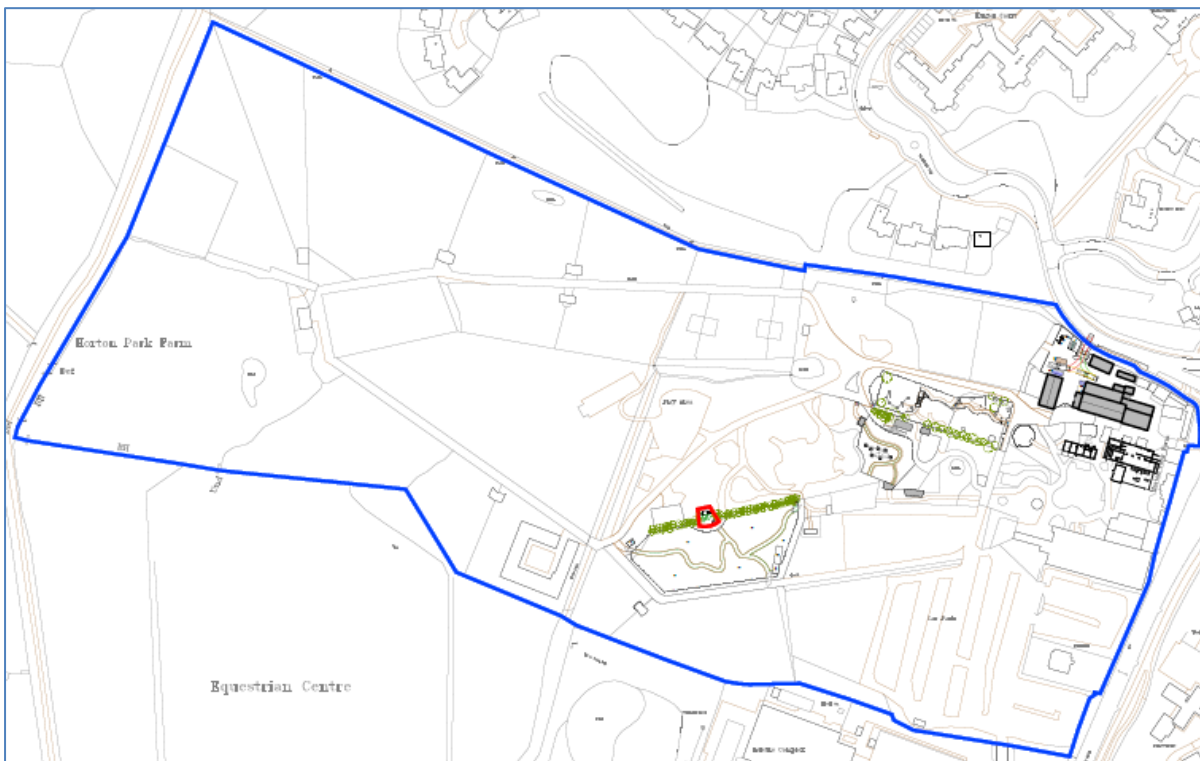
2) Changes to the Approved Plans

Should there be any change from the approved drawings during the build of the development, this may require a fresh planning application if the changes differ materially from the approved details. Non-material changes may be formalised by way of an application under s.96A Town and Country Planning Act 1990.

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Hobbledown, Horton Lane, Epsom, Surrey, KT19 8PT

Application Number	23/01345/FUL
Application Type	Full Planning Permission (Minor)
Address	Hobbledown, Horton Lane, Epsom KT19 8PT
Ward	Horton
Proposal	Construction of a Prairie Dog enclosure (retrospective)
Expiry Date	05 January 2024
Recommendation	Approval, subject to conditions and informatives
Number of Submissions	5
Reason for Committee	Called in by Ward Member
Case Officer	Ginny Palmer
Contact Officer	Simon Taylor, Interim Manager
Plans, Documents and Submissions	Available here



SUMMARY

1. Summary and Recommendation

- 1.1 This application is a minor planning application, but has been called into Planning Committee by Cllr Kieran Persand for the following reasons:
- *Conflict with policies DM 1, 4 and 6, CS 1, 2, 3, 5 and 6, and NPPF paras 137 and 149 (with reference to previous version of the NPPF)*
 - *Failure to comply with Conditions 9, 19 and 20 of planning permission 11/00511/FUL*
 - *Visual effect on the landscape.*
 - *Flood, including failing to comply with policy DM19 and NPPF paras 159, 160, 161, 162 and 167 (with reference to previous version of the NPPF)*
- 1.2 The Application Site ('Site') is an area of land within the wider Hobbledown site, where an animal enclosure has been constructed to house Prairie Dogs. Retrospective planning permission is sought, as the development is built.
- 1.3 The wider Hobbledown site is subject to an extensive planning history. This is detailed within this Report.
- 1.4 This application has received objections from nearby neighbours. The objections have been considered by Officers within the assessment of this application.
- 1.5 The Site is within the Green Belt, but acceptable in principle as it not defined as inappropriate development. It forms an acceptable part of the wider Hobbledown site, and the application is recommended for approval, subject to Conditions.

PROPOSAL

2. Description of Proposal

- 2.1. The proposal involves the erection of a Prairie Dog enclosure, including:
- Mix of feature walling to 3m and low-level walls to 1m around the perimeter
 - Mound with tunnels leading to accommodate viewing shelter.

3. Key Information

	Existing	Proposed
Site Area	91m ²	
Floorspace	Not specified	Additional 5m ²
Car Parking Spaces	No change	
Cycle Parking Spaces	No change	

SITE

4. Description

4.1. The Application Site ('Site') is an area of land within the wider Hobbledown site, where an animal enclosure has been constructed to house Prairie Dogs. The Site comprises an enclosed mound with a central viewing shelter and associated permeable pathways.

5. Constraints

- Green Belt
- Great Crest Newt Impact Zone
- Critical Drainage Area.

6. History

Application number	Application detail	Decision date
24/00026/REM	Variation of Condition 20 (Field Restrictions) of Planning Permission 11/00511/FUL to allow Zone F8 of the approved Masterplan to be accessed by the public for the purposes of an animal walkthrough area (retrospective)	Pending
24/00025/REM	Variation of Condition 20 (Field Restrictions) of Planning Permission 11/00511/FUL to allow Zone F1 of the approved Masterplan to be accessed by the public for the purposes of an animal walkthrough area (retrospective)	Pending
24/00024/REM	Variation of Condition 20 (Field Restrictions) of Planning Permission 11/00511/FUL (dated 09.12.2011) to allow part of Zone F2 of the approved masterplan to be used as an ancillary service yard area (retrospective)	Pending
23/01349/FUL	Installation of play equipment and construction of timber covered entrance and exit ways and a buggy storage area outside the Imaginarium within Hobbledown (Retrospective)	Pending
23/01343/FUL	Construction of Lemur Dog enclosure (Retrospective)	Pending
23/01114/REM	Removal of Condition 25 (Parking Restrictions and TRO), Condition 28 (Modification to Existing Access), Condition 29 (Delivery Management Plan) of Planning Permission ref: 22/00013/REM (dated 31.03.2023) 22/00013/REM Description of Development: Variation of Condition 14 (vehicular access) of	Pending

Application number	Application detail	Decision date
	planning application 11/00511/FUL to allow deliveries to the farm shop and cafe via McKenzie Way access	
22/00009/FUL	Siting and installation of restroom facilities	Granted 31 March 2023
22/00011/REM	Variation of Condition 20 of planning permission 11/00511/FUL to allow for Zones 9 and Zone 10 to be accessed by the public for the purposes of overflow car parking at times of peak demand	Granted 31 March 2023
22/00013/REM	Variation of Condition 14 (vehicular access) of planning application 11/00511/FUL to allow deliveries to the farm shop and cafe via McKenzie Way access	Granted 31 March 2023
21/02021/FUL	Installation of timber and netting outdoor play structures, installation of 3 no. bounce pillows and construction of Lorikeet enclosure/structure (retrospective)	Granted 31 March 2023
19/01691/FUL	Development of a bird of prey shelter	Granted 10 December 2020
19/01573/REM	Amendment to play structure permitted under 17/00988/FUL to provide new smaller play structure for younger children	Granted 16 March 2020
18/00154/FUL	Erection of bird of prey shelter	Refused 03 July 2018
18/00141/FUL	Use of land for the siting of one canvas yurt and one timber clad tepee	Granted 04 July 2018
18/00044/FUL	Siting of eight animal shelters (retrospective)	Granted 15 June 2018
17/00988/FUL	Addition of timber and netting outdoor play structure	Granted 20 December 2017
14/00144/FUL	Creation of overflow car parking area and associated landscaping	Granted at appeal, 02.07.2015
14/00145/REM	Variation of Condition 3 (amplified sound) of permission 11/00511/FUL to allow the use of amplified sound without permanent Public Address Systems for children's entertainment activities within designated areas of the site subject to restrictions on audience capacity, hours of use and noise levels	Granted 28 July 2014
14/00146/REM	Variation of Condition 20 of 11/00511/FUL (Continued use of agricultural/educational farm as children's farm (sui generis) including extension to main barn, new entrance kiosk, replacement lean-to barn, replacement kiosk, replacement of party/school rooms, relocation of play equipment,	Granted at appeal, 02 July 2017

Application number	Application detail	Decision date
	creation of new pond, additional landscaping, biodiversity improvements and new sensory/kitchen garden) to remove the reference to Zone F.7 on the approved plan 6773/50 Rev H that restricts its use solely for the keeping of animals and not, at any time, being accessible to the public, in order to allow it to be utilised as an extension to the existing car park	
13/01184/FUL	Demolition of an existing kiosk and relocation and erection of a replacement kiosk building and the demolition of an existing handwash facility and erection of a replacement toilet block building incorporating handwash facility	Granted 14 February 2014
13/00499/FUL	Roof canopy extension to main barn, to provide covered space for existing outdoor eating area	Granted 15 October 2013
11/01394/NMA	Revision of entrance kiosk layout and revised floor layout. Re- use of existing playrooms and new barn (6773/71D) not being constructed	Granted 1 June 2012
11/00511/FUL	Continued use of agricultural/educational farm as children's farm (sui generis) including extension to main barn, new entrance kiosk, replacement lean to barn, replacement kiosk, replacement of party/school rooms, location of play equipment, creation of new pond, additional landscaping, biodiversity improvements and new sensory/kitchen garden (amended description_	Granted 09 December 2011
98/00724/FUL	Erection of open fronted hay barn & new machinery shed, and erection of a new barn suitable for demonstration, picnic and play area involving demolition of old open sided barn	Granted 08 April 1999
98/00220/FUL	Extension to existing car park for visitors	Granted 10 September 1998

6.1. The original planning permission (ref: 11/00511/FUL) permitted the continued use of an agricultural/educational children's farm, at Horton Park Childrens Farm, Horton Lane, Epsom. This is viewed as the original permission for the wider Hobbledown site. Since the grant of the original planning permission, several planning applications have been approved, which authorised further development on the land.

6.2. The original planning permission approved a Masterplan (ref: 6773/50 Rev H). In respect of this current application, this Site is located predominantly within Zone C of the approved Masterplan.

- 6.3. Condition 19 of the original planning permission stated that play activities and equipment shall only be sited on or take place in the areas marked Zone A, Zone B, Zone C, Zone D, Zone E.4, Zone H, Zone I and Zone K, with play activities and grazing only to take place in Zone F.5.
- 6.4. Condition 20 of the original planning permission stated that Zones F1 to 4 inclusive and Zones F. 6 to 10 may only be used for the keeping of animals and not at any time shall be accessible to the public.
- 6.5. Condition 20 of the original planning permission stated that Zones F1 to 4 inclusive and Zones F. 6 to 10 may only be used for the keeping of animals and not at any time shall be accessible to the public.
- 6.6. Subsequent planning permissions, under ref: 14/00146/REM and 22/00011/REM varied Condition 20, allowing public access to Zones F7, F9 and F10, and allowing the use of these areas for parking provision associated with the wider use of the Hobbledown site.
- 6.7. The development subject of this application is not considered to conflict with the provisions of either Conditions 19 or 20 of the original planning permission.
- 6.8. For the avoidance of doubt, the wording of Conditions 19 and 20 of planning permission ref: 11/00511/FUL are provided below:

Condition 19: Play activities and equipment shall only be sited on or take place in the areas marked Zone A, Zone B, Zone C, Zone D, Zone E.4, Zone H, Zone 1 and Zone K with play activities and grazing only to take place in Zone F.5 on approved plan 6773/50 Rev H

Reason: In the interests of the visual amenity of the Green Belt and the amenity of neighbouring residential properties as required by Policies DC1, GB1 and GB3 of the Local Plan (2000) and Policy CS2 of the Core Strategy (2007).

Condition 20: The fields marked Zone F. 1 to 4 inclusive and Zone F. 6 to 10 inclusive on approved plan 6773/50 Rev H shall be used solely for the keeping of animals and shall not, at any time, be accessible to the public

Reason: In the interests of the visual amenity of the Green Belt and the amenity of neighbouring residential properties as required by Policies DC1, GB1 and GB3 of the Local Plan (2000) and Policy CS2 of the Core Strategy (2007).

CONSULTATIONS

Consultee	Comments
Internal Consultees	
Highway Authority	No objection
Flood Authority	No objection
Surrey Archaeology	No objection
Newt Officer	No comments
Ecology	The removed vegetation may have had biodiversity value
Policy	No comments received
External Consultees	
Woodland Trust	No comment provided
Natural England	No comment provided
Surrey Wildlife Trust	No comment provided
Public Consultation	
Neighbours	<p>The application was advertised by neighbour notification to 11 neighbouring properties and by public advertisement. 4 submissions were received which raised the following issues:</p> <ul style="list-style-type: none"> • Conflict with policies DM 1, 4 and 6, CS 1, 2, 3, 5 and 6, and NPPF paras 137 and 149 • Failure to comply with Conditions 9, 19 and 20 of planning permission ref: 11/00511/FUL • Loss of trees • Visual effect on the landscape • Development within a Critical Drainage Area, and flood risk, failing to comply with Policy DM19, 159, 160, 161, 162 and 167 <p>Officer comment: These matters are discussed in the body of the report.</p>
Ward Member	No comments were received.
Residents Association	No comments were received.

PLANNING LEGISLATION, POLICY, AND GUIDANCE

7. Legislation and Regulations

7.1. Town and Country Planning Act 1990

- 7.2. Environment Act 2021
- 7.3. Community Infrastructure Levy Regulations 2010

8. Planning Policy

8.1. National Planning Policy Framework 2023 (NPPF)

- Section 2: Achieving Sustainable Development
- Section 6: Building a Strong, Competitive Economy
- Section 8: Promoting Healthy and Safe Communities
- Section 9: Promoting Sustainable Transport
- Section 12: Achieving Well-Designed and Beautiful Places
- Section 13: Protecting Green Belt Land
- Section 14: Meeting the Challenge of Climate Change, Flooding and Coastal Change

8.2. Epsom and Ewell Core Strategy 2007 (CS)

- Policy CS1: Sustainable Development
- Policy CS2: Green Belt
- Policy CS3: Biodiversity and Designated Nature Conservation Areas
- Policy CS5: The Built Environment
- Policy CS16: Managing Transport and Travel

8.3. Epsom and Ewell Development Management Policies Document 2015 (DMPD)

- Policy DM3: Replacement and Extensions of Buildings in the Green Belt
- Policy DM4: Biodiversity and New Development
- Policy DM5: Trees and Landscape
- Policy DM6: Open Space Provision
- Policy DM9: Townscape Character and Local Distinctiveness
- Policy DM10: Design Requirements for New Developments
- Policy DM19: Development and Flood Risk
- Policy DM35: Transport and New Development
- Policy DM36: Sustainable Transport for New Development
- Policy DM37: Parking Standards

9. Supporting Guidance

9.1. National Planning Policy Guidance (NPPG)

- Effective Use of Land
- Green Belt
- Open Space, Sports and Recreation Facilities, Public Rights of Way, and Local Green Space.

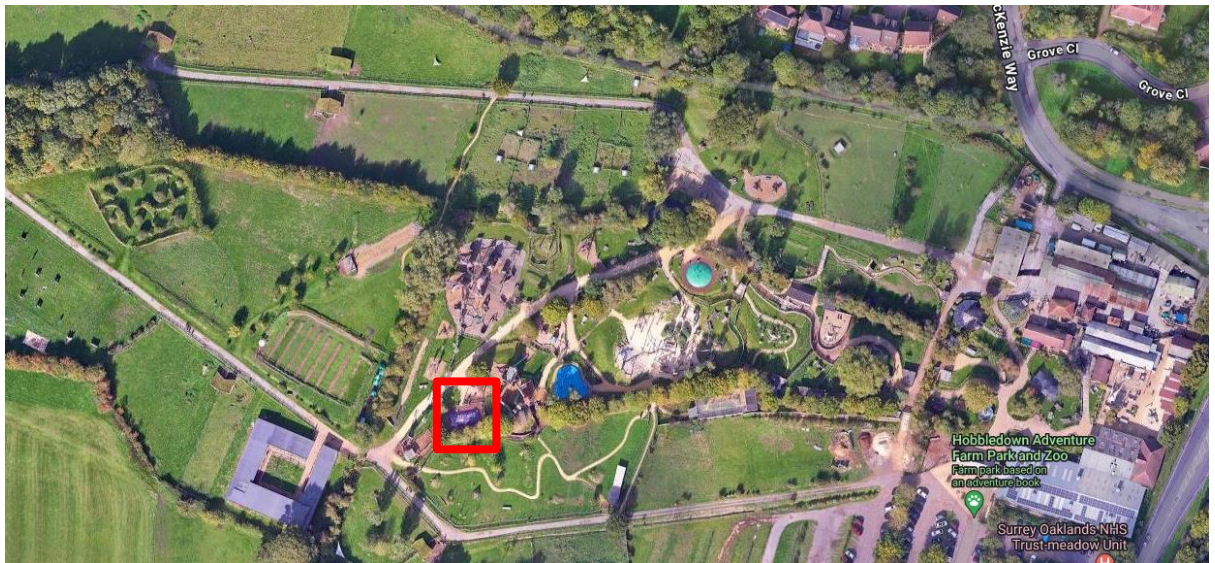
PLANNING ASSESSMENT

10. Principle of Development: Green Belt and Community Facilities

10.1. Green Belt

- 10.2. Paragraph 142 of the NPPF sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 10.3. Paragraph 143 of the NPPF sets out that the Green Belt serves five purposes:
- a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 10.4. Paragraph 152 of the NPPF sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 10.5. Paragraph 154 of the NPPF sets out that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include (inter alia): b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
- 10.6. Paragraph 155 of the NPPF sets out that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include (inter alia) b) engineering operations.
- 10.7. Policy CS2 of the Core Strategy establishes that strict control will continue to be exercised over inappropriate development as defined by Government policy.
- 10.8. There are concerns from the Councillor who called in this planning application, and neighbours, that the proposal does not comply with Policy CS2, constituting inappropriate development within the Green Belt. This has been considered by Officers within the assessment of this planning application.

- 10.9. The provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport and outdoor recreation is not inappropriate development in the Green Belt, if the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
- 10.10. Openness is one of the essential characteristics of the Green Belt. It is the absence of buildings or development. Openness is epitomised by the lack of buildings rather than those that are unobtrusive or screened in some way. As such, there is a clear distinction between openness and visual impact.
- 10.11. The Prairie Dog enclosure is positioned within the wider Hobbledown site, surrounded by development. The items that make up the Prairie Dog enclosure include:
- The mound and resulting tunnelling through the mound. This is an engineering operation and having been landscaped appropriately does not adversely affect the overall character or openness of the area (i.e. it preserves the openness)
 - The paths through the Site. These are negligible in terms of any change to form and appearance, and could be viewed as engineering operations
 - The walls form part of enclosing the space and keeping the animals contained. Its height is necessary to ensure containment
 - The timber shelter provides viewing opportunities for visitors and is modest in its nature.
- 10.12. The proposal subject of this planning application represents the provision of outdoor leisure/recreational facilities, complying with b) of paragraph 154 of the NPPF. The test is then whether the proposal preserves the openness of the Green Belt, and does not conflict with the purposes of including land within it. This is discussed in the below paragraph.
- 10.13. The wider Hobbledown site does not benefit from the absence of buildings or development. Instead, it comprises a variety of buildings, structures and play equipment. The proposal, being the structure and the walls, does not further erode the openness or character of the Green Belt or have any significant greater impact on the openness of the Green Belt, or the purposes of including land within in, given that it is located within the wider Hobbledown site, which is subject to buildings and development. This is best depicted in the aerial photograph below.



10.14. On the aspect of openness, a recent appeal decision at Northwood Golf Club, Rickmansworth Road, Northwood HA6 2QW (Appeal reference: APP/R5510/W/22/3306805) offers a reasonable interpretation of what would be considered to preserve openness:

“...Logic dictates that it must be possible to permit a new such building whilst also preserving openness, as otherwise this exception would serve no purpose. Hence, ‘preservation’ should not be interpreted to mean that it precludes any additional spatial built form. The courts have established that openness has spatial and visual aspects and that the matters relevant to openness are a matter of planning judgement in each case.” (paragraph 13).

“In this case there are several matters that lead me to find that the proposed building would preserve the openness of the Green Belt. This is for the following reasons. Firstly, the proposed building would be sited within a well established groundkeeper’s enclave area of the golf course.” (paragraph 14).

10.15. The same approach is adopted here. Whilst there is some built form, it is very minor in its scale and form, and it is sufficiently contained. This has been the considered approach in previous assessments of planning applications on the wider Hobbledown site, retrospective or otherwise. The proposal therefore complies with (b) of paragraph 154 of the NPPF and Policy CS2 and is acceptable in principle.

10.16. The proposal also constitutes “engineering operations”, given that it comprises a mound. b) of paragraph 155 of the NPPF allows for engineering operations, so long as the proposal preserved openness and does not conflict with the purposes of including land within it. As above, the proposal does not further erode the openness or character of the Green Belt or have any significant greater impact on the openness of the

Green Belt, or the purposes of including land within in. Likewise, the paths can be considered in the same manner.

- 10.17. The proposal does not constitute inappropriate development and there would be no need to demonstrate that Very Special Circumstances exist in order that development can be approved.

10.18. Community Facilities

- 10.19. Policy CS13 sets out that the loss of community, cultural and built sports facilities, particularly those catering for the young or old will be resisted (unless certain criteria is demonstrated). The provision of new community, cultural and built sports facilities, and the upgrading of those facilities, will be encouraged, particularly where they address a deficiency in current provision, and where they meet the identified needs of communities both within the Borough and beyond.
- 10.20. Policy DM25 sets out that planning permission for employment developments will be approved, provided that (inter alia) the accommodation is flexible and suitable to meet future needs, especially to provide for the requirements of local businesses and small employers and the development must not significantly harm the amenities of nearby occupiers nor cause adverse environmental impact on the surrounding area.
- 10.21. Policy DM34 sets out that planning permission will be given for new or extensions to existing social infrastructure on the basis that it (inter alia) meets an identified need, is co-located with other social infrastructure uses, is of a high-quality design and does not have a significant adverse impact on residential character and amenity.
- 10.22. The proposal supports the continued vitality and sustainable operation of the wider Hobbledown site, which is a valued visitor tourist attraction and community facility within the Borough. The proposal complies with Policies CS13 and DM34.

11. Design, character, and impact upon the landscape

- 11.1. Paragraphs 125, 130 and 134 of the NPPF refer to the need for functional and visually attractive development that is sympathetic to local character and history. Policy CS5 of the CS requires high quality design that is attractive, relates to local distinctiveness and complements the attractive characteristics of the area.
- 11.2. Paragraph 174 of the NPPF requires that planning applications enhance the natural and local environment by 'recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

- 11.3. Policy CS5 of the CS sets out that the Council will protect and seek to enhance the Borough's heritage assets. High quality design will be required for all developments.
- 11.4. Policy DM6 of the DMPD sets out that development proposals should not result in the whole or partial loss of open space, outdoor recreation facilities or allotments, unless:
- Accompanied by assessment that clearly demonstrates that the provision is surplus; or
 - The proposal delivers replacement provision of equal or better quality within the locality; or
 - The proposal is for new sports and or recreation provision, the needs for which clearly outweigh the loss.
- 11.5. Policy DM9 of the DMPD requires a positive contribution to and compatibility with the local character and the historic and natural environment and Policy DM10 requires good design that respects, maintains or enhances the prevailing house types and sizes, density, scale, layout, height, form and massing, plot width and building separation, building lines and key features.
- 11.6. There are concerns from the Councillor who called in this planning application, and neighbours, that it does not comply with Policies CS5 and DM6, with concerns around the visual impact of the proposal on the landscape. This has been considered by Officers within the assessment of this planning application.
- 11.7. The original planning permission (ref: 11/00511/FUL) permitted the continued use of an agricultural/educational children's farm, at Horton Park Childrens Farm, Horton Lane, Epsom. Since the grant of the original planning permission, numerous planning applications have been approved, which authorised the extension and erection of various buildings and facilities on the land and the continued expansion of the Site.
- 11.8. This proposal improves the community facilities offered at the wider Hobbledown site, engaging children with the outdoors, offering play equipment and educational learning too. It is also noted that Hobbledown provides local employment opportunities, and its expansion enables the business to continue to prosper.
- 11.9. The design of the Prairie Dog enclosure is as follows:
- A central mound enclosed by a blockwork wall, which is timber clad to the outer surface and by metal sheet cladding to the inner surface
 - The enclosure includes a gate for staff access and a viewing shelter within the mound, which children can access by way of a connecting tunnel beneath the surface of the mound

- To the rear of the enclosure is feature timber panelling backing on to existing play structures
- The boundaries of the enclosure vary in height from 0.9m to the front and up to 3m (feature timber panels) at the rear. A permeable footpath (gravel surface covered with wood chippings/bark) has been created around the enclosure, connecting to the wider footpath network throughout the Site, allowing suitable access.

11.10. The materials used in the construction of the enclosure are in keeping with existing materials used within the wider Hobbledown site and sustain its rural character or natural setting (e.g., use of timber within the boundary fencing).

11.11. Given the context of the Site, views of the development are broadly restricted to localised views from within the wider Hobbledown site itself. It would not impact the nearby Conservation Areas of Long Grove or Horton, as it is sufficiently removed from these.

11.12. The development is in keeping with the character and appearance of the wider Hobbledown site and complies with Policy DM9.

12. Trees

12.1. Paragraphs 174 and 180 of the NPPF, Policy CS3 of the CS and Policy DM4 of the DMPD require the conservation and enhancement of on-site biodiversity, with minimisation of impacts and the provision of mitigation measures. The duty of care extends to Regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 to protect species identified under Schedule 5 of the Wildlife and Countryside Act 1981 and Schedule 2 of the Conservation of Habitats and Species Regulations 2017.

12.2. There are concerns from the Councillor who called in this planning application that it does not comply with Conditions 8 and 9 of the original planning permission, ref: 11/00511/FUL, dated 9th December 2011. This is a matter with an ongoing Enforcement Case. In short, the Council's Trees Officer has reviewed recent tree works on the Site and is content that they fall within the scope of the Lease. Whether there is a breach of the planning permission remains open though the subject application, which allows for consideration of any alleged works.

12.3. Condition 8 set out that other than trees detailed for removal in the Arboricultural Report, dated 28 July 2011), no other trees shall be lopped, topped, or felled without the prior written consent of the Local Planning Authority, and Condition 9 set out that tree protection measures shall be carried out in strict accordance with the Arboricultural Report and Tree Protection Plan, dated 28 July 2011. These concerns have been taken into consideration by Officers, as part of the assessment of this application.

- 12.4. There are concerns raised from neighbours, that trees have been lost as part of this proposal. This has been taken into consideration by Officers, as part of the planning assessment.
- 12.5. There are no trees subject to a Tree Protection on the Site, and the Site does not fall within a Conservation Area.
- 12.6. The development of the Prairie Dog enclosure required the pruning and partial removal of a previous hedgerow, known as "G4". The hedgerow was considered to have been a low quality (Category C), interspersed with some Category B trees, so not considered a constraint upon construction.
- 12.7. The Prairie Dog enclosure has been constructed partially within the RPA of T14, covering approximately 18% of the trees RPA. BS5837 guidance states that new permanent hard surfacing should not exceed 20% of any existing unsurfaced ground within the RPA. Providing the work was carried out sympathetically and within current guidance, this incursion into the RPA of T14 would be deemed acceptable.
- 12.8. Although there are currently no outward signs of distress, T8, T9, T12 & T14 may also become negatively impacted by soil compaction, associated with the increased footfall within their RPAs, as visitors frequent the Prairie Dog enclosure.
- 12.9. It is recognised that the development of the Prairie Dog enclosure required the pruning and partial removal of a previous low-quality hedgerow and that there may be some soil compaction on T8, T9, T12 & T14 as a result of increased footfall.
- 12.10. The proposal does not strictly accord with Policy DM5, and this weighs negatively within the planning balance. Further discussion is raised in Section 13 with respect to ecological implications.

13. Ecology and Biodiversity

- 13.1. Paragraphs 174 and 180 of the NPPF, Policy CS3 of the CS and Policy DM4 of the DMPD require the conservation and enhancement of on-site biodiversity, with minimisation of impacts and the provision of mitigation measures. The duty of care extends to Regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 to protect species identified under Schedule 5 of the Wildlife and Countryside Act 1981 and Schedule 2 of the Conservation of Habitats and Species Regulations 2017.
- 13.2. There are concerns from the Councillor who called in this planning application that it does not comply with Policies CS3 and DM4. This has

been considered by Officers within the assessment of this planning application.

- 13.3. The development has been completed, so the impacts are fully realised. Whilst the Site falls within the Green Belt, it is not within any statutory or non-statutory Nature Conservation Areas.
- 13.4. A short section of poor-quality hedgerow was in part removed to facilitate the construction of the Prairie Dog enclosure and three low quality trees which were retained within the enclosure have died.
- 13.5. The hedgerow would have had some ecological value for nesting/foraging birds, but the Applicant considers that the Site was generally of limited ecological potential prior to the installation of the Prairie Dog enclosure, particularly given that it sits within the wider Hobbledown site, which is subject to recreation and leisure activities and regular footfall.
- 13.6. Retained elements of the hedgerow have been incorporated in the managed landscaped habitat around the Prairie Dog enclosure. Hobbledown also regularly undertakes landscape maintenance, installing new planting across the wider Hobbledown site to ensure opportunities for biodiversity are maintained and where possible enhanced. The wider Hobbledown site provides significant opportunities for further biodiversity enhancement.
- 13.7. NatureSpace Partnership confirms that his type of application is not considered to be relevant to the District Licensing Scheme, nor would there be any impact on Great Crested Newts or their habitats.
- 13.8. The Local Planning Authority's Ecologist confirmed that some habitat has been removed, so there could have been negative effects on biodiversity, which weighs negatively within the planning balance. Should planning permission be granted, a Condition is recommended to improve the biodiversity value of this Site.

14. Neighbour Amenity

- 14.1. Policy CS5 of the CS and Policy DM10 of the DMPD seeks to protect occupant and neighbour amenity, including in terms of privacy, outlook, sunlight/daylight, and noise whilst Paragraph 185 of the NPPF and Policy CS6 of the CS seek to mitigate and reduce noise impacts.
- 14.2. The Site is positioned within the wider Hobbledown site, with no residential properties within the immediate vicinity that would be impacted by the proposal. The nearest residential properties are located at McKenzie Way, which is approximately 160 metres northeast of the Site. There are play areas/equipment, trees, and hedgerows within the intervening land.

14.3. Given the nature of the development and its positioning within the wider Hobbledown site, there are no issues with regards to sunlight, privacy, or visual intrusion for nearby residential properties. Furthermore, given the ample distance from residential properties, there are no issues with regards to noise and disturbance for nearby residential properties. Noise associated with traffic movements and general footfall would be reasonable within the context of the existing operations.

14.4. The proposal accords with Policies CS5 and DM10.

15. Transport and car parking

15.1. Policy CS16 of the CS encourages an improved and integrated transport network and facilitates a shift of emphasis to non-car modes as a means of access to services and facilities. Development proposals should provide safe, convenient, and attractive accesses for all, be appropriate for the highways network, provide appropriate and effective parking provision, both on and off-site and ensure that vehicular traffic generated does not create new, or exacerbate existing, on street parking problems, nor materially increase other traffic problems.

15.2. The development does not affect the existing vehicular access or car parking provision and would be unlikely to result in increased movements to or from the Site. Regardless, the existing carpark is sufficient to accommodate existing operations.

15.3. Surrey County Council Highways (SCC Highways) is satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway. SCC Highways therefore has no highway requirements.

15.4. The proposal accords with Policy CS16.

16. Flooding and Drainage

16.1. Paragraphs 159 and 167 of the NPPF, Policy CS6 of the CS and Policy DM19 of the DMPD state that development at medium or high risk from flooding must ensure that there is no increase in flood risk, whether on or off site, and implementation of flood resilience and mitigation to reduce it to acceptable levels.

16.2. There are concerns raised from neighbours, that the proposal is on a Critical Drainage Area, and that it causes flood risk.

16.3. The Site is within Flood Zone 1, and falls within a Critical Drainage Area.

16.4. The application is supported by a Flood Risk Assessment, provided by the Applicant, which sets out that surface water flooding could occur in the centre of the wider Hobbledown site boundary in 3.33% (1 in 30 year)

event. Some of the features covered by the various planning application are located within the area with surface water flood risk, including the Prairie Dog enclosure, but, as this is a small-scale development, it is not considered to obstruct the surface water flow path or would be at risk of surface water flooding.

- 16.5. As confirmed within the FRA. it is considered that the development would be safe, without increasing flood risk elsewhere.
- 16.6. The Lead Local Flood Authority reviewed the documentation and raises no objection, but recommends a Condition, should planning permission be granted, to ensure that the drainage system is installed in accordance with approved documents, and is maintained afterwards.
- 16.7. The proposal accords with Policies CS6 and DM19.

17. Sustainability

- 17.1. Paragraph 85 of the NPPF accepts that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport.
- 17.2. Policy CS1 of the CS sets out that the Council expects development and use of land to contribute positively to the social, economic, and environmental improvements necessary to achieve sustainable development - both in Epsom and Ewell, and more widely. Changes should protect and enhance the natural and built environments of the Borough and should achieve high quality sustainable environments for the present, and protect the quality of life of future, generations.
- 17.3. Policy CS5 of the CS sets out that development should result in a sustainable environment and reduce, or have a neutral impact upon, pollution and climate change. The Council will expect proposals to demonstrate how sustainable construction and design can be incorporated to improve the energy efficiency of development - both new build and conversion.
- 17.4. Policy CS6 sets out that proposals should result in a sustainable environment and reduce or have a neutral impact upon pollution and climate change.
- 17.5. There are concerns from the Councillor who called in this planning application that it does not comply with Policies CS1 and CS6. This has been considered by Officers within the assessment of this planning application.
- 17.6. The original planning permission (ref: 11/00511/FUL) permitted the continued use of an agricultural/educational children's farm, at Horton

Park Childrens Farm, Horton Lane, Epsom. Since the grant of the original planning permission, several planning applications have been approved, which authorised the extension and erection of various buildings and facilities on the land.

17.7. The principle of development is established. This proposal improves the community facilities offered at the wider Hobbledown site, engaging children with the outdoors, play equipment and educational learning. Materials are mostly timber, ongoing energy use is minimal and the scale of the development is not significant. It is also noted that Hobbledown provides local employment opportunities, and its expansion enables the business to continue to prosper.

17.8. The proposal complies with Policy CS1.

18. Accessibility and Equality

18.1. Policy CS16 of the CS and Policy DM12 of the DMPD requires safe, convenient and attractive access to be incorporated within the design of the development.

18.2. The Council is required to have regard to its obligations under the Equality Act 2010, including protected characteristics of age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. There would be no adverse impacts as a result of the development.

19. Refuse and Recycling Facilities

19.1. Policy CS6 of the CS stipulates that development should minimise waste and encourage recycling. Annex 2 of the Sustainable Design SPD sets out that storage areas for communal wheeled bins and recycling needs to allow sufficient room for both refuse and recycling containers within 6m of the public highway. The existing facilities are sufficient to accommodate any foreseeable waste generation from the proposed Prairie Dog enclosure, including patronage and animal waste.

20. Planning Obligations and Community Infrastructure Levy

20.1. The Community Infrastructure Levy Charging Schedule 2014 indicates that the application is liable for CIL payments but given the recreational use and as the floorspace is less than 100m², is not chargeable.

CONCLUSION

21. Planning Balance

21.1. Section 2 of the NPPF has an underlying presumption in favour of sustainable development which is carried through to the Development

Plan. Policy CS1 of the CS expects development to contribute positively to the social, economic, and environmental improvements in achieving sustainable development whilst protecting and enhancing the natural and built environment.

- 21.2. The proposal subject of this planning application represents the provision of outdoor leisure/recreational facilities. The Prairie Dog enclosure is positioned within the wider Hobbledown site, surrounded by development. The proposals do not further erode the openness or character of the Green Belt, or have any significant greater impact on the openness of the Green Belt, or the purposes of including land within in. The proposal would not constitute inappropriate development and there would be no need to demonstrate that Very Special Circumstances exist in order that development can be approved. The proposal complies with (b) of paragraphs 154 and 155 of the NPPF, and Policy CS2.
- 21.3. This proposal improves the community facilities offered at the wider Hobbledown site, engaging children with the outdoors, offering play equipment and educational learning too. Hobbledown provides local employment opportunities, and its expansion enables the business to continue to prosper. The development represents a sustainable form of development, and this weighs positively within the planning balance.
- 21.4. The materials used in the construction of the Prairie Dog enclosure are in keeping with existing materials used within the wider Hobbledown site and sustain its rural character. Given the context of the Site, views of the development are broadly restricted to localised views from within the wider Hobbledown site itself. It would not impact the nearby Conservation Areas of Long Grove or Horton, as it is sufficiently removed from these.
- 21.5. The development required the pruning and partial removal of a previous hedgerow, classed as Category C, meaning it was not a constraint upon construction. There was also some likely compaction within the root protection area of some retained trees.
- 21.6. Conditions 8 and 9 of the original planning permission are realised, but an Applicant can apply for full planning permission for an additional form of development on the Site. The removal of the hedgerow and soil compaction weighs negatively within the planning balance, but it was classed as Category C and the level of overall harm is marginal. It is also unfortunate that the hedgerow may have had ecological value. The loss of habitat weighs negatively within the planning balance, but a Condition is included, should planning permission be granted, to ensure biodiversity enhancement.
- 21.7. The Site is positioned within the wider Hobbledown site, with no residential properties within the immediate vicinity that would be impacted by the proposal. The nearest residential properties are located at McKenzie Way, which is approximately 160 metres north of the Site.

There are animal enclosures, trees, and hedgerows within the intervening land.

- 21.8. The application is supported by a Flood Risk Assessment, which clarifies that the Site is within Flood Zone 1 and at low risk of surface water flooding and a Critical Drainage Area. The area of hardstanding within the viewing shelter measures approximately 5m². The development is safe, without increasing flood risk elsewhere, and has an insignificant impact on the runoff regime.
- 21.9. Overall, the benefits of the proposal, including engaging children with the outdoors, offering play equipment, educational learning, providing local employment opportunities, enabling a local business to prosper, outweighs the negatives, which includes the removal of a poor-quality hedgerow, which may have had ecological value.
- 21.10. Economic and social benefits are afforded moderate weight. Environmental benefits, which are of some harm, are afforded minor weight. Overall, the benefits clearly outweigh harm, and the proposal is recommended for approval, subject to Conditions.

RECOMMENDATION

To grant planning permission subject to the following conditions and informatives

Conditions

1) Approved Plans

Unless otherwise agreed in writing by the local planning authority, the development hereby permitted shall be carried out in accordance with the plan numbered 001, received by the local planning authority on 10 November 2023.

Reason: For avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans to comply with Policy CS5 of the Core Strategy 2007.

2) Compliance with Flood Risk Assessment

The mitigation measures detailed in the approved Flood Risk Assessment (ref: HLEF03991, Version 3, dated 14 September 2023) shall be carried out in full prior to occupation of the development hereby permitted and thereafter maintained for the lifetime of the development.

Reason: In the interests of minimising flood risk in accordance with Policy CS6 of the Core Strategy 2007 and Policy DM19 of the Development Management Policies 2015.

3) Biodiversity enhancement measures

A scheme to enhance the biodiversity interest of the site shall be submitted to and agreed in writing by the local planning authority within one month of the date of this Decision. The scheme shall be implemented in full and approved and thereafter maintained.

Reason: To enhance biodiversity and nature habitats in accordance with Policy CS3 of the Core Strategy (2007) and Policy DM4 of the Development Management Policies 2015.

Informatives

1) Positive and Proactive Discussion

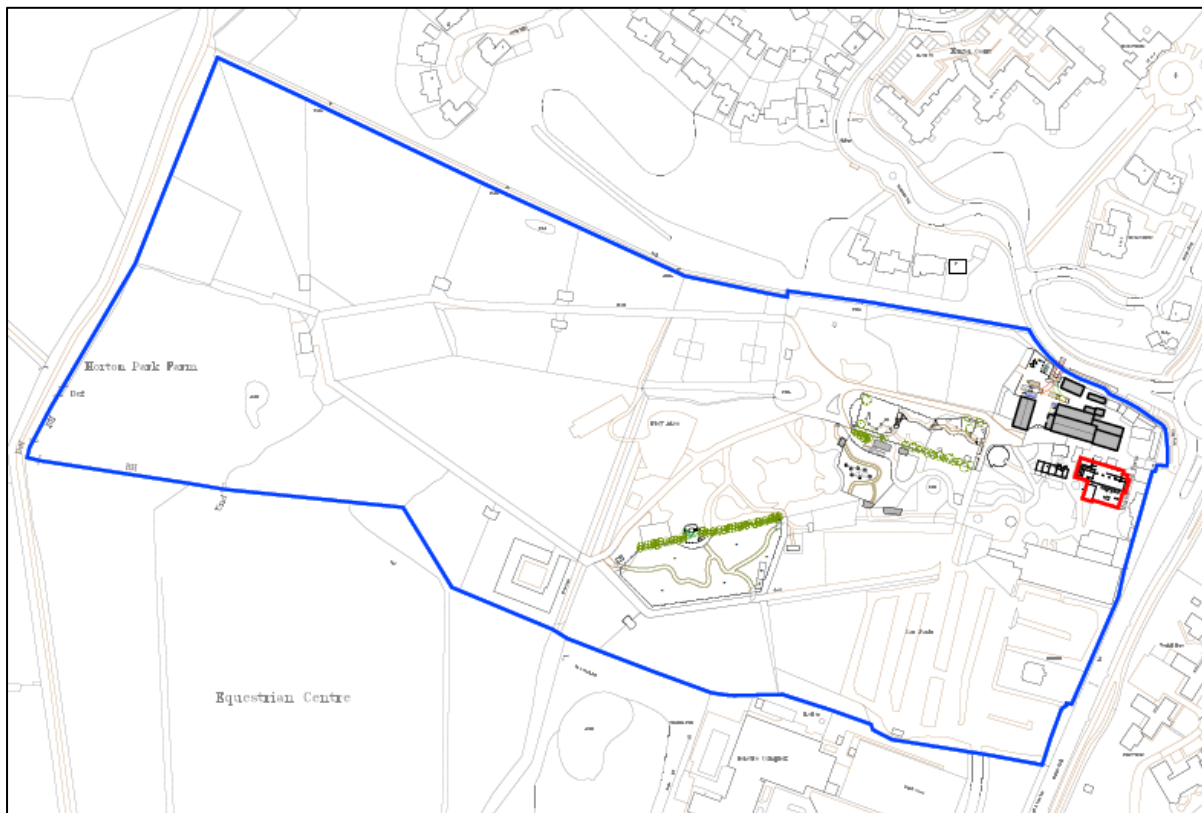
In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

2) Changes to the Approved Plans

Should there be any change from the approved drawings during the build of the development, this may require a fresh planning application if the changes differ materially from the approved details. Non-material changes may be formalised by way of an application under s.96A Town and Country Planning Act 1990.

Hobbledown, Horton Lane, Epsom, Surrey, KT19 8PT

Application Number	23/01349/FUL
Application Type	Full Planning Permission (Minor)
Address	Hobbledown, Horton Lane, Epsom KT19 8PT
Ward	Horton
Proposal	Installation of play equipment and construction of timber covered entrance and exit ways and a buggy storage area outside the Imaginarium within Hobbledown (retrospective)
Expiry Date	05 January 2024
Recommendation	Approval, subject to conditions and informatives
Number of Submissions	7
Reason for Committee	Called in by Ward Member
Case Officer	Ginny Palmer
Contact Officer	Simon Taylor, Interim Manager
Plans, Documents and Submissions	Available here



SUMMARY

1. Summary and Recommendation

- 1.1 This application is a minor planning application, but has been called into Planning Committee by Cllr Kieran Persand for the following reasons:
- *Conflict with policies DM19, CS 1, 2, 5 and 6, and NPPF paras 137 and 149 (paragraphs of previous version of NPPF)*
 - *Visual effect on the landscape.*
 - *Flooding, including failing to comply with policy DM19 and NPPF paras 159, 160, 161, 162 and 167 (paragraphs of previous version of NPPF)*
- 1.2 The Application Site ('Site') is an area of land within the wider Hobbledown Site, where a timber covered entrance and exit ways and a buggy storage area outside the Imaginarium have been constructed. Retrospective planning permission is sought, as the development is built.
- 1.3 The wider Hobbledown site is subject to an extensive planning history. This is detailed within this Report.
- 1.4 This application has received objections from nearby neighbours. The objections have been considered by Officers within the assessment of this application.
- 1.5 The site is within the Green Belt but acceptable in principle as it not defined as inappropriate development. It forms an acceptable part of the Hobbledown Site and the application is recommended for approval, subject to conditions.

PROPOSAL

2. Description of Proposal

- 2.1. The proposal involves the erection of a Lemur enclosure, including:
- Erection of timber exit/entry building
 - Erection of covered buggy parking structure
 - Erection of play equipment (wheels, tubes, barrels, pumps and tipping jugs) with a main tower to 4.8m and surrounded by post and rope fencing.

3. Key Information

	Existing	Proposed
Site Area	0.05 hectares	

	Existing	Proposed
Floorspace	Not specified	Additional 23m ² + 21m ² of play equipment
Car Parking Spaces	No change	
Cycle Parking Spaces	No change	

SITE

4. Description

4.1. The Application Site ('Site') relates to a building and area of land within the wider Hobbledown site, called the "Imaginarium". It is located immediately to the north of the Site's main complex of buildings.

5. Constraints

- Green Belt
- Great Crest Newt Impact Zone
- Critical Drainage Area.

6. History

Application number	Application detail	Decision date
24/00026/REM	Variation of Condition 20 (Field Restrictions) of Planning Permission 11/00511/FUL to allow Zone F8 of the approved Masterplan to be accessed by the public for the purposes of an animal walkthrough area (retrospective)	Pending
24/00025/REM	Variation of Condition 20 (Field Restrictions) of Planning Permission 11/00511/FUL to allow Zone F1 of the approved Masterplan to be accessed by the public for the purposes of an animal walkthrough area (retrospective)	Pending
24/00024/REM	Variation of Condition 20 (Field Restrictions) of Planning Permission 11/00511/FUL (dated 09.12.2011) to allow part of Zone F2 of the approved masterplan to be used as an ancillary service yard area (retrospective)	Pending
23/01345/FUL	Construction of Prairie Dog enclosure (Retrospective)	Pending
23/01343/FUL	Construction of Lemur Dog enclosure (Retrospective)	Pending
23/01114/REM	Removal of Condition 25 (Parking Restrictions and TRO), Condition 28 (Modification to Existing Access), Condition 29 (Delivery Management Plan)	Pending

Application number	Application detail	Decision date
	<p>of Planning Permission ref: 22/00013/REM (dated 31.03.2023)</p> <p>22/00013/REM Description of Development: Variation of Condition 14 (vehicular access) of planning application 11/00511/FUL to allow deliveries to the farm shop and cafe via McKenzie Way access</p>	
22/00009/FUL	Siting and installation of restroom facilities	Granted 31 March 2023
22/00011/REM	Variation of condition 20 of planning permission 11/00511/FUL to allow for Zones 9 and Zone 10 to be accessed by the public for the purposes of overflow car parking at times of peak demand	Granted 31 March 2023
22/00013/REM	Variation of Condition 14 (vehicular access) of planning application 11/00511/FUL to allow deliveries to the farm shop and cafe via McKenzie Way access	Granted 31 March 2023
21/02021/FUL	Installation of timber and netting outdoor play structures, installation of 3 no. bounce pillows and construction of Lorikeet enclosure/structure (retrospective)	Granted 31 March 2023
19/01691/FUL	Development of a bird of prey shelter	Granted 10 December 2020
19/01573/REM	Amendment to play structure permitted under 17/00988/FUL to provide new smaller play structure for younger children	Granted 16 March 2020
18/00154/FUL	Erection of bird of prey shelter	Refused 03 July 2018
18/00141/FUL	Use of land for the siting of one canvas yurt and one timber clad tepee	Granted 04 July 2018
18/00044/FUL	Siting of eight animal shelters (retrospective)	Granted 15 June 2018
17/00988/FUL	Addition of timber and netting outdoor play structure	Granted 20 December 2017
14/00144/FUL	Creation of overflow car parking area and associated landscaping	Granted at appeal, 02.07.2015
14/00145/REM	Variation of Condition 3 (amplified sound) of permission 11/00511/FUL to allow the use of amplified sound without permanent Public Address Systems for children's entertainment activities within designated areas of the site subject to restrictions on audience capacity, hours of use and noise levels	Granted 28 July 2014

Application number	Application detail	Decision date
14/00146/REM	Variation of Condition 20 of 11/00511/FUL (Continued use of agricultural/educational farm as children's farm (sui generis) including extension to main barn, new entrance kiosk, replacement lean-to barn, replacement kiosk, replacement of party/school rooms, relocation of play equipment, creation of new pond, additional landscaping, biodiversity improvements and new sensory/kitchen garden) to remove the reference to Zone F.7 on the approved plan 6773/50 Rev H that restricts its use solely for the keeping of animals and not, at any time, being accessible to the public, in order to allow it to be utilised as an extension to the existing car park	Granted at appeal, 02 July 2017
13/01184/FUL	Demolition of an existing kiosk and relocation and erection of a replacement kiosk building and the demolition of an existing handwash facility and erection of a replacement toilet block building incorporating handwash facility	Granted 14 February 2014
13/00499/FUL	Roof canopy extension to main barn, to provide covered space for existing outdoor eating area	Granted 15 October 2013
11/01394/NMA	Revision of entrance kiosk layout and revised floor layout. Re- use of existing playrooms and new barn (6773/71D) not being constructed	Granted 1 June 2012
11/00511/FUL	Continued use of agricultural/educational farm as children's farm (sui generis) including extension to main barn, new entrance kiosk, replacement lean to barn, replacement kiosk, replacement of party/school rooms, location of play equipment, creation of new pond, additional landscaping, biodiversity improvements and new sensory/kitchen garden (amended description_	Granted 09 December 2011
98/00724/FUL	Erection of open fronted hay barn & new machinery shed, and erection of a new barn suitable for demonstration, picnic and play area involving demolition of old open sided barn	Granted 08 April 1999
98/00220/FUL	Extension to existing car park for visitors	Granted 10 September 1998

- 6.1. The original planning permission (ref: 11/00511/FUL) permitted the continued use of an agricultural/educational children's farm, at Horton Park Childrens Farm, Horton Lane, Epsom. This is viewed as the original permission for the Hobbledown Site. Since the grant of the original planning permission, several planning applications have been approved, which authorised further development on the land.

- 6.2. The original planning permission approved a Masterplan (ref: 6773/50 Rev H). In respect of this current application, this Site is located predominantly within Zone C of the approved Masterplan, which is labelled as a “Natural & Water Play area”.
- 6.3. Condition 19 of the original planning permission stated that play activities and equipment shall only be sited on or take place in the areas marked Zone A, Zone B, Zone C, Zone D, Zone E.4, Zone H, Zone I and Zone K, with play activities and grazing only to take place in Zone F.5.
- 6.4. Condition 20 of the original planning permission stated that Zones F1 to 4 inclusive and Zones F. 6 to 10 may only be used for the keeping of animals and not at any time shall be accessible to the public.
- 6.5. Subsequent planning permissions, under ref: 14/00146/REM and 22/00011/REM varied Condition 20, allowing public access to Zones F7, F9 and F10, and allowing the use of these areas for parking provision associated with the wider use of the Hobbledown site.
- 6.6. The development subject of this application is not considered to conflict with the provisions of either Conditions 19 or 20 of the original planning permission.

CONSULTATIONS

Consultee	Comments
EEBC Ecology	No objection
EEBC Policy	No comments received
Highway Authority	No objection
Flood Authority	No objection
Surrey Archaeology	No objection
Newt Officer	No comments
Woodland Trust	No comment provided
Natural England	No comment provided
Surrey Wildlife Trust	No comment provided
Public Consultation	
Neighbours	The application was advertised by neighbour notification to 11 neighbouring properties and by public advertisement. 5 submissions were received which raised the following issues:

Consultee	Comments
	<ul style="list-style-type: none"> • Conflict with policies DM19, CS 1, 2, 5 and 6, and NPPF paras 137 and 149 • Visual effect on the landscape • Ecological impacts • Development within a Critical Drainage Area, flood risk, impacts on paths, including failing to comply with policy DM19 and NPPF paras 159, 160, 161, 162 and 167 <p>Officer comment: This is discussed in the body of the report.</p>
Ward Member	No comments were received.
Residents Association	No comments were received.

PLANNING LEGISLATION, POLICY, AND GUIDANCE

7. Legislation and Regulations

- 7.1. Town and Country Planning Act 1990
- 7.2. Environment Act 2021
- 7.3. Community Infrastructure Levy Regulations 2010

8. Planning Policy

8.1. National Planning Policy Framework 2023 (NPPF)

- Section 2: Achieving Sustainable Development
- Section 6: Building a Strong, Competitive Economy
- Section 8: Promoting Healthy and Safe Communities
- Section 9: Promoting Sustainable Transport
- Section 12: Achieving Well-Designed and Beautiful Places
- Section 13: Protecting Green Belt Land
- Section 14: Meeting the Challenge of Climate Change, Flooding and Coastal Change

8.2. Epsom and Ewell Core Strategy 2007 (CS)

- Policy CS1: Sustainable Development
- Policy CS2: Green Belt
- Policy CS3: Biodiversity and Designated Nature Conservation Areas
- Policy CS5: The Built Environment
- Policy CS16: Managing Transport and Travel

8.3. Epsom and Ewell Development Management Policies Document 2015 (DMPD)

- Policy DM3: Replacement and Extensions of Buildings in the Green Belt
- Policy DM4: Biodiversity and New Development

- Policy DM5: Trees and Landscape
- Policy DM6: Open Space Provision
- Policy DM9: Townscape Character and Local Distinctiveness
- Policy DM10: Design Requirements for New Developments
- Policy DM19: Development and Flood Risk
- Policy DM35: Transport and New Development
- Policy DM36: Sustainable Transport for New Development
- Policy DM37: Parking Standards

9. Supporting Guidance

9.1. National Planning Policy Guidance (NPPG)

- Effective Use of Land
- Green Belt
- Open Space, Sports and Recreation Facilities, Public Rights of Way, and Local Green Space
- Waste

PLANNING ASSESSMENT

10. Principle of Development: Green Belt and Community Facilities

10.1. Green Belt

10.2. Paragraph 142 of the NPPF sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

10.3. Paragraph 143 of the NPPF sets out that the Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

10.4. Paragraph 152 of the NPPF sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

10.5. Paragraph 154 of the NPPF sets out that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include (inter alia): b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and

allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it and (c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

- 10.6. Policy CS2 of the Core Strategy establishes that strict control will continue to be exercised over inappropriate development as defined by Government policy.
- 10.7. Policy DM3 of the DMPD sets out that the extension of buildings in the Green belt will only be supported where (inter alia) the proposal would not constitute inappropriate developments in the Green Belt (e.g. the increase would be no greater than 30% above the volume of the original building).
- 10.8. There are concerns from the Councillor who called in this planning application, and neighbours, that the proposal does not comply with Policy CS2, constituting inappropriate development within the Green Belt. This has been considered by Officers within the assessment of this planning application.

Play equipment

- 10.9. The provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport and outdoor recreation is not inappropriate in the Green Belt, if the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
- 10.10. Openness is one of the essential characteristics of the Green Belt. It is the absence of buildings or development. Openness is epitomised by the lack of buildings rather than those that are unobtrusive or screened in some way. As such, there is a clear distinction between openness and visual impact.
- 10.11. The proposal subject of this planning application represents the provision of outdoor leisure/recreational facilities. The additional play facilities within the Site does not result in any change of use, with the facilities remaining ancillary to the wider use of the main authorised use of the wider Hobbledown site.
- 10.12. The wider Hobbledown site does not benefit from the absence of buildings or development. Instead, it comprises a variety of buildings, structures and play equipment, with no uniform design style.
- 10.13. The proposals do not further erode the openness or character of the Green Belt, or have any significant greater impact on the openness of the Green Belt, or the purposes of including land within in. They are well contained within the main complex of buildings and open and uncovered structures complementing existing facilities at the Site. There is a degree

of height to the main tower, but it is compatible with the heights of surrounding buildings and preserves the openness of the site and the Green Belt. On the aspect of encroaching development, this is best depicted in the aerial photograph below.



- 10.14. On the aspect of openness, a recent appeal decision at Northwood Golf Club, Rickmansworth Road, Northwood HA6 2QW (Appeal reference: APP/R5510/W/22/3306805) offers a reasonable interpretation of what would be considered to preserve openness:

“...Logic dictates that it must be possible to permit a new such building whilst also preserving openness, as otherwise this exception would serve no purpose. Hence, ‘preservation’ should not be interpreted to mean that it precludes any additional spatial built form. The courts have established that openness has spatial and visual aspects and that the matters relevant to openness are a matter of planning judgement in each case.” (paragraph 13).

“In this case there are several matters that lead me to find that the proposed building would preserve the openness of the Green Belt. This is for the following reasons. Firstly, the proposed building would be sited within a well established groundkeeper’s enclave area of the golf course.” (paragraph 14).

- 10.15. The same approach is adopted here. Whilst there is some built form, it is very minor in its scale and form, and it is sufficiently contained. This has been the considered approach in previous assessments of planning applications on the wider Hobbledown site, retrospective or otherwise. The proposal therefore complies with (b) of paragraph 154 of the NPPF and Policy CS2 and is acceptable in principle.

Building works

- 10.16. Policy DM3 of the DMPD which allows replacement and extensions of buildings in the Green Belt where they are not materially larger than the existing building it replaces (taking into account floorspace, bulk and height) and in the same use. Quantitatively, the volume should be no more than 30% larger than the original building, which is as it existed on 1 July 1948 or as it was built originally. The proposal must also not have a detrimental impact on rural character through its siting and design.
- 10.17. The building works do not constitute a 30% increase in volume over and above the existing Imaginarium building and is well contained within the wider Hobbledown site amongst other buildings. On that basis, it is not inappropriate development. The percentage increase is approximately <8%, having regard to the original building, which has had very minor extensions since its erection well before 1948.

Overall conclusion

- 10.18. No aspect of the proposal would constitute inappropriate development and there would be no need to demonstrate that Very Special Circumstances exist in order that development can be approved.
- 10.19. The proposal therefore complies with (b) of paragraph 154 of the NPPF and Policy CS2, and is acceptable in principle. This has been the considered approach in previous assessments of planning applications on the Site, retrospective or otherwise.

10.20. Community Facilities

- 10.21. Policy CS13 sets out that the loss of community, cultural and built sports facilities, particularly those catering for the young or old will be resisted (unless certain criteria is demonstrated). The provision of new community, cultural and built sports facilities, and the upgrading of those facilities, will be encouraged, particularly where they address a deficiency in current provision, and where they meet the identified needs of communities both within the Borough and beyond.
- 10.22. Policy DM25 sets out that planning permission for employment developments will be approved, provided that (inter alia) the accommodation is flexible and suitable to meet future needs, especially to provide for the requirements of local businesses and small employers and the development must not significantly harm the amenities of nearby occupiers nor cause adverse environmental impact on the surrounding area.
- 10.23. Policy DM34 sets out that planning permission will be given for new or extensions to existing social infrastructure on the basis that it (inter alia) meets an identified need, is co-located with other social infrastructure uses, is of a high-quality design and does not have a significant adverse impact on residential character and amenity.

10.24. The proposal supports the continued vitality and sustainable operation of the wider Hobbledown site, which is a valued visitor tourist attraction and community facility within the Borough. The proposal complies with Policies CS13 and DM34.

11. Design, character, and impact upon the landscape

- 11.1. Paragraphs 125, 130 and 134 of the NPPF refer to the need for functional and visually attractive development that is sympathetic to local character and history. Policy CS5 of the CS requires high quality design that is attractive, relates to local distinctiveness and complements the attractive characteristics of the area.
- 11.2. Paragraph 174 of the NPPF requires that planning applications enhance the natural and local environment by 'recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.
- 11.3. Policy CS5 of the CS sets out that the Council will protect and seek to enhance the Borough's heritage assets. High quality design will be required for all developments.
- 11.4. Policy DM6 of the DMPD sets out that development proposals should not result in the whole or partial loss of open space, outdoor recreation facilities or allotments, unless:
- Accompanied by assessment that clearly demonstrates that the provision is surplus; or
 - The proposal delivers replacement provision of equal or better quality within the locality; or
 - The proposal is for new sports and or recreation provision, the needs for which clearly outweigh the loss.
- 11.5. Policy DM9 of the DMPD requires a positive contribution to and compatibility with the local character and the historic and natural environment and Policy DM10 requires good design that respects, maintains or enhances the prevailing house types and sizes, density, scale, layout, height, form and massing, plot width and building separation, building lines and key features.
- 11.6. There are concerns from the Councillor who called in this planning application that it does not comply with Policies CS5 and DM6. This has been considered by Officers within the assessment of this planning application.
- 11.7. The original planning permission (ref: 11/00511/FUL) permitted the continued use of an agricultural/educational children's farm, at Horton Park Childrens Farm, Horton Lane, Epsom. Since the grant of the original

planning permission, numerous planning applications have been approved, which authorised the extension and erection of various buildings and facilities on the land and the continued expansion of the Site. This is acceptable as demonstrated in Section 10.14.

- 11.8. This proposal improves the community facilities offered at the wider Hobbledown site, engaging children with the outdoors, offering play equipment and educational learning too. It is also noted that Hobbledown provides local employment opportunities, and its expansion enables the business to continue to prosper.
- 11.9. The timber entrance and exit ways, and buggy park, are low-key structures finished with timber cladding. These are sympathetic to the context of the Site itself, and in keeping with other buildings and structures within the wider Hobbledown site. These elements do not detract from the visual amenities of the Site, sitting comfortably adjacent to other timber clad structures.
- 11.10. The play equipment has a somewhat significant height but fits entirely in context with the existing facilities. The Site provides themed-based play activities and facilities, and the additional facilities sought as part of this planning application expand the existing provision, enhancing the Site's recreational offering.
- 11.11. The development enclosure has been completed and so its impacts are fully realised. Views of the development are broadly restricted to localised views from within the wider Hobbledown site itself.
- 11.12. The development is in keeping with the character and appearance of the wider Hobbledown site and complies with Policy DM9.

12. Trees

- 12.1. There are no trees on the Site. There are therefore no comments to make with respect to trees.

13. Ecology and Biodiversity

- 13.1. Paragraphs 174 and 180 of the NPPF, Policy CS3 of the CS and Policy DM4 of the DMPD require the conservation and enhancement of on-site biodiversity, with minimisation of impacts and the provision of mitigation measures. The duty of care extends to Regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 to protect species identified under Schedule 5 of the Wildlife and Countryside Act 1981 and Schedule 2 of the Conservation of Habitats and Species Regulations 2017.

- 13.2. Concerns have been raised by neighbours regarding the ecological impacts of this development, which have been taken into consideration by Officers, as part of the assessment of this application.
- 13.3. The development relates to an existing single-storey building and adjacent hardstanding courtyard area, which is in regular use as part of the wider Hobbledown site. Given the nature of the development and its siting within the context of the wider Hobbledown site, the development does not have any direct impact on any significant features of ecological or biodiversity value and is considered to have a neutral impact on such matters.
- 13.4. EEBC Ecology formally commented on this application, setting out that it would not have any effect of biodiversity due to its location and existing features.
- 13.5. The proposal complies with Policy DM4.

14. Neighbour Amenity

- 14.1. Policy CS5 of the CS and Policy DM10 of the DMPD seeks to protect occupant and neighbour amenity, including in terms of privacy, outlook, sunlight/daylight, and noise whilst Paragraph 185 of the NPPF and Policy CS6 of the CS seek to mitigate and reduce noise impacts.
- 14.2. The Site is positioned within the wider Hobbledown Site, with no residential properties within the immediate vicinity that would be impacted by the proposal. The nearest residential properties are located at Pelman Way, which is approximately 65 metres east of the Site.
- 14.3. Given the nature of the development and its positioning within the wider Hobbledown Site, there are no issues with regards to sunlight, privacy, or visual intrusion for nearby residential properties. Furthermore, given the ample distance from residential properties, there are no issues with regards to noise and disturbance for nearby residential properties. Noise associated with traffic movements and general footfall would be reasonable within the context of the existing operations.
- 14.4. The proposal accords with Policies CS5 and DM10.

15. Transport and car parking

- 15.1. Policy CS16 of the CS encourages an improved and integrated transport network and facilitates a shift of emphasis to non-car modes as a means of access to services and facilities. Development proposals should provide safe, convenient, and attractive accesses for all, be appropriate for the highways network, provide appropriate and effective parking provision, both on and off-site and ensure that vehicular traffic generated does not create new, or exacerbate existing, on street parking problems, nor materially increase other traffic problems.

- 15.2. The development does not affect the existing vehicular access or car parking provision and would be unlikely to result in increased movements to or from the Site. Regardless, the existing carpark is sufficient to accommodate existing operations.
- 15.3. Surrey County Council Highways (SCC Highways) is satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway. SCC Highways therefore has no highway requirements.
- 15.4. The proposal accords with Policy CS16.

16. Flooding and Drainage

- 16.1. Paragraphs 159 and 167 of the NPPF, Policy CS6 of the CS and Policy DM19 of the DMPD state that development at medium or high risk from flooding must ensure that there is no increase in flood risk, whether on or off site, and implementation of flood resilience and mitigation to reduce it to acceptable levels.
- 16.2. The site is within Flood Zone 1, and falls within a Critical Drainage Area.
- 16.3. The Planning Statement that accompanies this application sets out that the development has been undertaken on an area of existing area of hardstanding with a gravel top finish. The development has been in place since the end of 2021. The Operators of Hobbledown have not been aware of any significant instances of sustained surface water flooding in the area of the development since and prior to these works having taken place.
- 16.4. A Flood Risk Assessment (FRA), submitted by the Applicant with this application sets out that surface water flooding could occur in the centre of the wider Hobbledown site boundary in a 3.33% (1 in 30 year) event. Some of the features covered by the various planning application are located within the area with surface water flood risk, including the Imaginarium, but, as this is a small-scale development, it is not considered to obstruct the surface water flow path or would be at risk of surface water flooding.
- 16.5. As confirmed within the FRA. it is considered that the development would be safe, without increasing flood risk elsewhere.
- 16.6. Surrey County Council Lead Local Flood Authority reviewed the documentation and raises no objection, but recommends a Condition, should planning permission be granted, to ensure that the drainage system is installed in accordance with approved documents, and is maintained afterwards.

16.7. The proposal accords with Policies CS6 and DM19.

17. Sustainability

- 17.1. Paragraph 85 of the NPPF accepts that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport.
- 17.2. Policy CS1 of the CS sets out that the Council expects development and use of land to contribute positively to the social, economic, and environmental improvements necessary to achieve sustainable development - both in Epsom and Ewell, and more widely. Changes should protect and enhance the natural and built environments of the Borough and should achieve high quality sustainable environments for the present, and protect the quality of life of future, generations.
- 17.3. Policy CS5 of the CS sets out that development should result in a sustainable environment and reduce, or have a neutral impact upon, pollution and climate change. The Council will expect proposals to demonstrate how sustainable construction and design can be incorporated to improve the energy efficiency of development - both new build and conversion.
- 17.4. There are concerns from the Councillor who called in this planning application that it does not comply with Policies CS1 and CS6. This has been considered by Officers within the assessment of this planning application.
- 17.5. The original planning permission (ref: 11/00511/FUL) permitted the continued use of an agricultural/educational children's farm, at Horton Park Childrens Farm, Horton Lane, Epsom. Since the grant of the original planning permission, several planning applications have been approved, which authorised the extension and erection of various buildings and facilities on the land.
- 17.6. The principle of development is established. This proposal improves the community facilities offered at the wider Hobbledown site, engaging children with the outdoors, play equipment and educational learning. Materials are mostly timber, ongoing energy use is minimal and the scale of the development is not significant. It is also noted that Hobbledown provides local employment opportunities, and its expansion enables the business to continue to prosper.
- 17.7. The proposal complies with Policy CS1.

18. Accessibility and Equality

- 18.1. Policy CS16 of the CS and Policy DM12 of the DMPD requires safe, convenient and attractive access to be incorporated within the design of the development.
- 18.2. The Council is required to have regard to its obligations under the Equality Act 2010, including protected characteristics of age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. There would be no adverse impacts as a result of the development.

19. Refuse and Recycling Facilities

- 19.1. Policy CS6 of the CS stipulates that development should minimise waste and encourage recycling. Annex 2 of the Sustainable Design SPD sets out that storage areas for communal wheeled bins and recycling needs to allow sufficient room for both refuse and recycling containers within 6m of the public highway. The existing facilities are sufficient to accommodate any foreseeable waste generation from the proposed Lemur enclosure, including patronage and animal waste.

20. Planning Obligations and Community Infrastructure Levy

- 20.1. The Community Infrastructure Levy Charging Schedule 2014 indicates that the application is liable for CIL payments but given the recreational use and as the floorspace is less than 100m², is not chargeable.

CONCLUSION

21. Planning Balance

- 21.1. Section 2 of the NPPF has an underlying presumption in favour of sustainable development which is carried through to the Development Plan. Policy CS1 of the CS expects development to contribute positively to the social, economic, and environmental improvements in achieving sustainable development whilst protecting and enhancing the natural and built environment.
- 21.2. The proposal subject of this planning application represents the provision of outdoor leisure/recreational facilities and proportionate extensions to existing buildings. The proposals do not further erode the openness or character of the Green Belt, or have any significant greater impact on the openness of the Green Belt, or the purposes of including land within in. The proposal would not constitute inappropriate development and there would be no need to demonstrate that Very Special Circumstances exist in order that development can be approved. The proposal complies with (b) of paragraph 154 of the NPPF and Policy CS2.
- 21.3. This proposal improves the community facilities offered at the wider Hobbledown site, engaging children with the outdoors, offering play

equipment and educational learning too. Hobbledown provides local employment opportunities, and its expansion enables the business to continue to prosper. The development represents a sustainable form of development, and this weighs positively within the planning balance.

- 21.4. The materials used in the construction of the building extension and play equipment are in keeping with existing materials used within the wider Hobbledown site and sustain its rural character. Given the context of the Site, views of the development are broadly restricted to localised views from within the wider Hobbledown site itself. It would not impact the nearby Conservation Areas of Long Grove or Horton, as it is sufficiently removed from these.
- 21.5. The Site is positioned within the wider Hobbledown Site, with no residential properties within the immediate vicinity that would be impacted by the proposal. The nearest residential properties are located at McKenzie Way, which is approximately 65 metres east of the Site.
- 21.6. The application is supported by a Flood Risk Assessment, which clarifies that the Site is within Flood Zone 1 and at low risk of surface water flooding and a Critical Drainage Area. The area of hardstanding within the viewing shelter measures approximately 23m². The development is safe, without increasing flood risk elsewhere, and has an insignificant impact on the runoff regime.
- 21.7. Overall, the benefits of the proposal, including engaging children with the outdoors, offering play equipment, educational learning, providing local employment opportunities, enabling a local business to prosper, outweighs the negatives, which includes the removal of a poor-quality hedgerow, which may have had ecological value. The extensions to the buildings are also ancillary features to support existing operations.
- 21.8. Economic and social benefits are afforded moderate weight. Environmental benefits, which are of some character harm, are afforded very minor weight. Overall, the benefits clearly outweigh harm and the proposal is recommended for approval, subject to Conditions.

RECOMMENDATION

To grant planning permission subject to the following conditions and informatives

Conditions

1) Approved Plans

Unless otherwise agreed in writing by the local planning authority, the development hereby permitted shall be carried out in accordance with the plan numbered 002 Rev A, received by the local planning authority on 10 November 2023.

Reason: For avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans to comply with Policy CS5 of the Core Strategy 2007.

2) Compliance with Flood Risk Assessment

The mitigation measures detailed in the approved Flood Risk Assessment (ref: HLEF03991, Version 3, dated 14 September 2023) shall be carried out in full prior to occupation of the development hereby permitted and thereafter maintained for the lifetime of the development.

Reason: In the interests of minimising flood risk in accordance with Policy CS6 of the Core Strategy 2007 and Policy DM19 of the Development Management Policies 2015.

Informatives

1) Positive and Proactive Discussion

In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

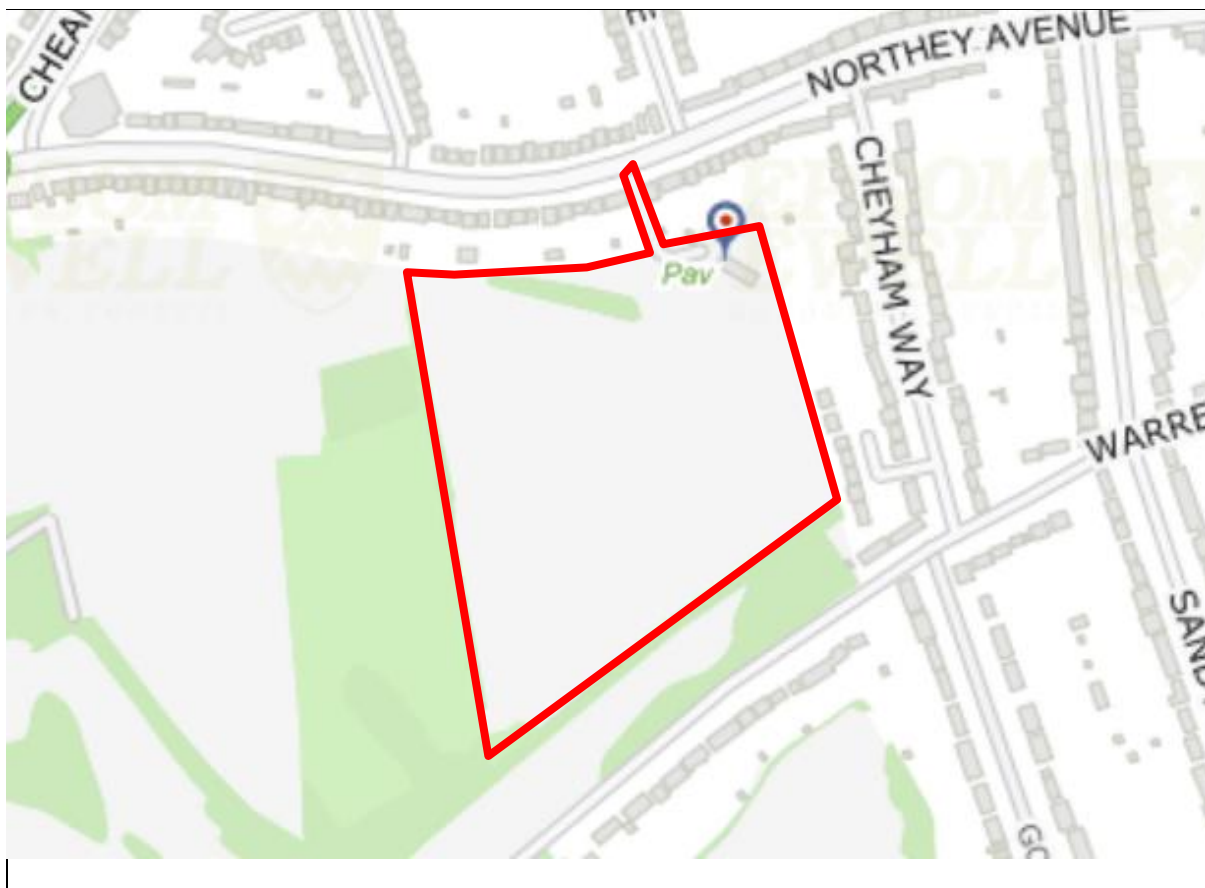
2) Changes to the Approved Plans

Should there be any change from the approved drawings during the build of the development, this may require a fresh planning application if the changes differ materially from the approved details. Non-material changes may be formalised by way of an application under s.96A Town and Country Planning Act 1990.

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Northey Avenue Sports Ground, Northey Avenue, Cheam SM2 7HN

Application Number	23/00609/FUL
Application Type	Full Planning Permission (Major)
Address	Northey Avenue Sports Ground, Northey Avenue, Cheam SM2 7HN
Ward	Nonsuch
Proposal	Extensions and internal alterations to existing Sports Ground Pavilion.
Expiry Date	09 February 2024
Recommendation	Approval, subject to conditions and informatives
Number of Submissions	2
Reason for Committee	Major development (site area of >1 ha)
Case Officer	George Smale, Planning Officer
Contact Officer	Simon Taylor, Interim Manager
Plans, Documents and Submissions	Viewed here



SUMMARY

1. Summary and Recommendation

- 1.1. This planning application is before the committee as it is a major planning application because the site area measures more than 1 hectare. It is recommended for approval.
- 1.2. This is a proposal for extensions and alterations to the existing Sutton Grammar School sports pavilion to accommodate increased amenities and capacity.
- 1.3. The site is accessed between the dwellings of No.84 and No.88 on the southern side of Northey Avenue. Hosting an area of approximately 9.4 hectares, the site contains a considerable number of playing fields for facilitating a wide range of sports activity associated with Sutton Grammar School and a wider diverse range of sports clubs.
- 1.4. While part of the site along the access road is sited within the built-up area, the majority of the site is located within the Metropolitan Green Belt including the sports pavilion, storage area, and car park.
- 1.5. There is limited planning history on the site apart from the erection of three temporary modular cabins for use as changing rooms for Sutton United Football Club to assist with providing additional facilities during the refurbishment phase of the sports pavilion (the current application). This was granted permission under 21/01879/FUL in April 2022 and is approved until 27 April 2025, at which point the temporary buildings must be removed.
- 1.6. Two neighbour objections letters have been received raising concerns to the impact of the development on traffic generation and increased congestion on surrounding roads, highways safety, parking implications, neighbour amenity, loss of privacy, and security concerns.
- 1.7. The proposed development by virtue of its increase in volume and size, scale, and form in relation to the existing dwelling, will not result in inappropriate development or material harm to the openness and permanence of the Metropolitan Green Belt.
- 1.8. The scheme will support and improve an existing outdoor sport and recreation asset, supporting social and community infrastructure.
- 1.9. The council are satisfied that the impact of the development on neighbouring amenity, highways safety, parking provision, biodiversity, ecology, flooding and drainage, and sustainability is acceptable.

1.10. As such, the recommendation before the committee is that the application should be approved, subject to conditions.

PROPOSAL

2. Description of Proposal

2.1. The proposal involves extensions and alterations to the existing sports pavilion to accommodate additional amenities and capacity. There is no change to the sporting fields or car park.

3. Key Information

	Existing	Proposed
Site Area	9.4 hectares	
Footprint	311m ²	568m ²
Built Volume	1676m ³	2181m ³ (30% increase)
Number of Storeys	2	2

SITE

4. Description

4.1. The site is located on an expansive site of approximately 9.4 hectares in the Nonsuch ward to the east of the Borough. Most of the coverage of the site comprises of open playing fields used for a range of sporting and recreational activities.

4.2. The sports pavilion building, storage buildings, and parking provision is located to the north-east corner of the site and the site is accessed between the dwellings of No.84 and No.88 on Northey Avenue.

4.3. Residential development borders the site along the northern and western boundary. The closest dwelling (No.92 Northey Avenue) is approximately 58m from the nearest corner of the building.

5. Constraints

- Green Belt
- Site of Special Scientific Interest Risk Area
- Great Crested Newt Impact Zone (low habitat suitability)
- Source Protection Area

6. History

App No.	Description	Status
21/01879/FUL	Siting of 3no. single-storey temporary modular cabins	Permitted-26.04.2022
21/01879/FUL	Siting of 3no. single-storey temporary modular cabins	Permitted-26.04.2022

CONSULTATIONS

Consultee	Comments
Internal Consultees	
Highway Authority	No highway requirements. Informatives are recommended.
Ecology	No objection subject to conditions.
External Consultees	
Sport England	No objection raised.
London Borough of Sutton (neighbouring authority)	No comment.
Public Consultation	
Neighbours	<p>The application was advertised by means of a site notice, press notice, and notification to 10 neighbouring properties, concluding on 27 January 2024. Two objections were received. They raised the following issues:</p> <ul style="list-style-type: none"> • Traffic generation and increased congestion on the highway and access road. • Highways safety issues, impacting neighbouring properties including cars pulling out blind from driveways and restricted views. • Parking implications including cars parking on unallocated spaces and grass verges. • Comment relating to increase in the level of parking provision, widening the access road, and general road safety improvements if the scheme were to go ahead. • On-street parking implications on Northey Avenue • Increased noise disturbance relating to activities in the hall, licensing events, vehicles, and traffic generation. • Lighting issues affecting neighbouring amenity relating to security lighting, the lighting of the pavilion, and potential flood lighting in the future. • Security concerns • Loss of privacy

Consultee	Comments
	<p><u>Officer comment:</u> Neighbour amenity, highways safety, access, and parking provision will be discussed in the body of the report.</p> <p>Licensing events are a separate process and not a material planning consideration and will not be assessed as part of this application. Flood lighting has not been applied for in this application.</p>
Ward Member	No comments were received.

PLANNING LEGISLATION, POLICY, AND GUIDANCE

7. Legislation and Regulations

7.1. Town and Country Planning Act 1990

7.2. Environment Act 2021

7.3. Community Infrastructure Levy Regulations 2010

8. Planning Policy

8.1. National Planning Policy Framework 2023 (NPPF)

- Section 2: Achieving Sustainable Development
- Section 4: Decision-Making
- Section 8: Promoting Healthy and Safe Communities
- Section 9: Promoting Sustainable Transport
- Section 12: Achieving Well-Designed Places
- Section 13: Protecting Green Belt Land
- Section 15: Conserving and Enhancing the Natural Environment

8.2. Epsom and Ewell Core Strategy 2007 (CS)

- Policy CS1: Sustainable Development
- Policy CS2: Green Belt
- Policy CS3: Biodiversity and Designated Nature Conservation Areas
- Policy CS4: Open Spaces and Green Infrastructure
- Policy CS5: The Built Environment
- Policy CS6: Sustainability in New Development
- Policy CS12: Developer Contributions to Community Infrastructure
- Policy CS13: Community, Cultural and Built Sports Facilities
- Policy CS16: Managing Transport and Travel

8.3. Epsom and Ewell Development Management Policies Document 2015 (DMPD)

- Policy DM1: Extent of the Green Belt
- Policy DM3: Replacement and Extensions of Buildings in the Green Belt
- Policy DM4: Biodiversity and New Development
- Policy DM5: Trees and Landscape
- Policy DM6: Open Space Provision
- Policy DM34: New Social Infrastructure
- Policy DM35: Transport and New Development
- Policy DM36: Sustainable Transport for New Development
- Policy DM37: Parking Standards

8.4. Supplementary Planning Documents and Guidance

- Parking Standards for Residential Development Supplementary Planning Document 2015
- Surrey County Council Vehicular and Cycle Parking Guidance 2018
- Surrey Transport Plan 2022–2032
- Sustainable Design Supplementary Planning Document 2016

PLANNING ASSESSMENT

9. Principle of Development

9.1. Development in the Green Belt

9.2. The site is within Green Belt and Section 13 of the NPPF aims to prevent urban sprawl by keeping land permanently open with the purposes being to check unrestricted sprawl, prevent merging of towns, prevent encroachment within the countryside, preserve the setting of towns and encourage recycling of derelict sites.

9.3. Paragraph 152 of the NPPF, reinforced in Policy CS2 of the CS states that inappropriate development is, by definition, is harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 requires substantial weight to be applied to harm to the Green Belt.

9.4. The Green Belt considerations include the following:

Whether the proposal would be inappropriate development for the purposes of Section 13 of the NPPF and development plan policy

9.5. Paragraph 154 of the NPPF states that new buildings in the Green Belt are inappropriate, unless it involves:

- the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport and outdoor recreation as long as the facilities preserve the openness of the

Green Belt and do not conflict with the purposes of including land within it;

- extensions to buildings which do not result in disproportionate additions over and above the size of the original building, and;
- replacement buildings, or the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

9.6. The assessment of inappropriate development can be made for either one of these limbs but the one which most appropriately relates to the proposal is development is assessing it as an extension to the existing building.

The effect of the proposal on the openness of the Green Belt and Countryside

9.7. The NPPF highlights that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence.

9.8. Policy DM3 of the DMPD which allows replacement and extensions of buildings in the Green Belt where they are not materially larger than the existing building it replaces (taking into account floorspace, bulk and height) and in the same use. Quantitatively, the volume should be no more than 30% larger than the original building, which is as it existed on 1 July 1948 or as it was built originally. The proposal must also not have a detrimental impact on rural character through its siting and design.

	Footprint	Volume	Height	Width	Depth
Original	311m ²	1676m ³	8.9m	31.8m	12.6m
Existing	311m ²	1676m ³	8.9m	31.8m	12.6m
Proposed	568m ²	505m ²	8.9m	31.8m	16.5m
% change	81%	30%	No increase	No increase	30.9%

9.9. The scale and volume of existing extensions and alterations over and above the original building has been calculated by the planning agent and has been agreed by the officer. The proposed development will result in additional 505m³ of building volume, which is a 30% uplift from the original building.

9.10. The percentage increase is therefore acceptable with the quantitative volume requirement of 30% as set out in Policy DMPD. As such, the proposal will not result in a disproportionate addition to the host building, thus not resulting in inappropriate development.

9.11. While the footprint of the building will increase significantly by 81%, a considerable proportion of this will form as an infill part single, part two storey extension. As the extension is concentrated mostly around the centre of the building and the depth will only increase by 3.9m, the

development will not excessively impinge on the openness of the Green Belt. The building is also sited on a raised hill, with a greater height than the levelled playing fields. No subterranean extensions or extensions on the downslope are proposed, and the building would retain its degree of permanence in relation to the surrounding playing fields. Therefore, in qualitative terms, the level of harm to the openness is not unreasonable.

- 9.12. The proposed extensions to the existing pavilion would preserve the openness and permanence of the Metropolitan Green Belt and would be acceptable in principle, complying with section 13 of the NPPF, Policy CP2 of the Core Strategy 2007 and Policy DM3 of the DMPD 2015.
- 9.13. It is also noted that the same conclusions would have been reached if the inappropriate development assessment had been made under the first limb of paragraph 154 for outdoor sport and outdoor recreation facilities. The proposed development would provide appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport and outdoor recreation whilst preserving the openness of the Green Belt and does not conflict with the purposes of including land within it.
- 9.14. Community, Social and Sports Facilities**
- 9.15. Policy CS13 of the CS and Policy DM 34 of the DMPD resist the loss of community, cultural and built sports facilities, unless it is demonstrated that the need no longer exists, or it is provided elsewhere. New facilities that address a deficiency and meet identified needs are encouraged.
- 9.16. Policy DM34 of the DMPD allows new or extended social infrastructure to address identified need, where it is practical and flexible, accessibly located, of high-quality design with inclusive access, absent of neighbour amenity impacts and satisfies highways requirements.
- 9.17. Policy DM34 of the DMPD allows for social infrastructure development where there is identified need, it is provided in a multi-use, well designed and flexible building with inclusive access to the building, good access to public transport, adequate parking provision and no adverse impact on residential character and amenity.
- 9.18. The submitted Design and Access Statement explains that the existing sports pavilion is currently not fit-for-purpose in terms of the level of capacity it can host, the number of amenities it can provide, and the general condition of the building. Sutton Grammar School is at capacity with the numbers of students which has increased demand for appropriate outdoor sport and recreation provision on the site. A decision has been taken by the school that the most desirable, effective, and viable way to address the identified need is a full refurbishment and modern extension to the pavilion building.

- 9.19. The Design and Access Statement states that the school enables wider community use of the facilities on the site out of school hours where appropriate safeguarding and security is in place. A wider community use is not recognised by Sport England or the Football Foundation, but the applicant has demonstrated that various wider groups use the site on a regular basis.
- 9.20. Sport England have raised no objection, noting with the development is for an improvement of ancillary facilities supporting the principal use of the site as a playing field and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use. The Football Foundation (FA) does not know of any community use facilities for football on the site, but this does not render the proposal unacceptable nor is an objection raised. There is a lack of community access to the site, but given this is the existing entrance, no issues are raised.
- 9.21. The proposed extension will only marginally increase the depth of the existing building which is isolated at least 60 - 70 metres from the residential properties to the north and the east.
- 9.22. While the entrance of the sports ground appears fairly inconspicuous from Northey Avenue and the entrance is inaccessible for pedestrians, the site is located in a sustainable location - a 23-minute walk from Ewell East Station.
- 9.23. In summary, the proposal will support and improve an existing outdoor sport and recreation asset, complying with Policy CS13 of the Core Strategy and Policy DM34 of the Development Management Policy Document 2015.

10. Design and Character

- 10.1. Paragraphs 129, 135 and 139 of the NPPF refer to the need for functional and visually attractive development that is sympathetic to local character and history. Policy CS5 of the CS requires high quality design that is attractive, relates to local distinctiveness and complements the attractive characteristics of the area. Policy DM9 of the DMPD requires a positive contribution to and compatibility with the local character and the historic and natural environment and Policy DM10 requires good design that respects, maintains or enhances the prevailing house types and sizes, density, scale, layout, height, form and massing, plot width and building separation, building lines and key features.
- 10.2. The proposed part two storey, part single storey extension will integrate well into the existing building, projecting an additional 3.9m to the rear. The single storey hipped roof form will create an area for additional changing rooms. A new two balcony and viewing platform will be created looking to the rear and a first-floor gable feature will form a new entrance with stairs leading to ground floor level. The size, scale, and form of

development will not detrimentally harm the rural character of the surrounding area.

- 10.3. The external materials proposed will consist of brickwork to match existing, single membrane flat roof, bi-fold doors, and aluminium glazed canopy and side screen. Materials proposed will result in an attractive and consistent appearance across the building which is deemed acceptable.

11. Neighbour Amenity

- 11.1. Policy CS5 of the CS and Policy DM10 of the DMPD seeks to protect occupant and neighbour amenity, including in terms of privacy, outlook, sunlight/daylight, and noise whilst Paragraph 191 of the NPPF and Policy CS6 of the CS seek to mitigate and reduce noise impacts.
- 11.2. Two objections raised to the proposal have raised potential impacts on the amenities of neighbouring occupiers. The residential properties that will be affected by the development are the houses to the east of the pavilion along Cheyham Way. There will be no changes to the existing access and parking provision to warrant an assessment in terms of neighbouring amenity.
- 11.3. The proposed new viewing platform will face the rear of the building overlooking the expansive playing field. There will be very oblique views of the neighbouring properties to the east from the viewing platform approximately 30m from the nearest residential rear boundary and at least 75m from the nearest residential rear wall. Furthermore, due to the building south-western orientation, the view to the east/north-east would be especially limited and only available if someone is standing right at the very edge of the viewing platform.
- 11.4. As such, the overlooking impact concerned will not result in detrimental harm to the amenities of neighbouring occupiers.
- 11.5. The proposal does not involve any increase in the capacity of the existing sporting fields/facilities. As part of the existing operations, including school and community use, there will be no change to the overall numbers of people using the sports pitches (whether by playing participants or spectators). Therefore, there is unlikely to be any adverse noise issues for surrounding residents.
- 11.6. The extensions and alterations proposed will be located towards the rear of the building and therefore any increase in noise will be emitted towards the playing fields rather than towards any residential properties.
- 11.7. Although the viewing platform could be used at any particular time of day, it is a small space (1.3m in depth by 11.7m in width), that's only primary function will be to use to spectate sports matches. Therefore, there is no

need to restrict hours or impose any restrictive conditions, as there will be no adverse impacts in terms of noise.

- 11.8. Issues such as licensing of events are not material planning considerations and vehicle parking provision and movement will remain unchanged. External lighting has not been included as part of this application.

12. Parking and Access

- 12.1. Objections have been raised in reference to the impact of the proposed development on parking, access, and vehicle movement which will be discussed below. Changes and alterations to the existing access are not proposed and lie outside of the scope of this application.
- 12.2. Policy CS16 of the CS encourages an improved and integrated transport network and facilitates a shift of emphasis to non-car modes as a means of access to services and facilities. Development proposals should provide safe, convenient, and attractive accesses for all, be appropriate for the highways network, provide appropriate and effective parking provision, both on and off-site and ensure that vehicular traffic generated does not create new, or exacerbate existing, on street parking problems, nor materially increase other traffic problems.
- 12.3. The Surrey County Council Highway authority has undertaken an assessment in terms of the likely net additional traffic generation and access arrangements and are satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway. The County Highway Authority therefore has no highway requirements but recommends several informatives.
- 12.4. The current position of traffic generation and highways safety would not change as a result of this development, and therefore it is not reasonable to recommend any highways conditions as part of this application. The objection letters have raised concern with existing highways issues on site such as coach parking or encroachment onto the highway which have not been raised as a concern in comments from SCC Highways. Given there is no change to the capacity of the sports fields, there is no expectation that coach movements would increase. Any concerns with existing operations would need to be raised with SCC Highways.
- 12.5. A pre-commencement condition has been discussed and agreed with the applicant to ensure a suitable Construction Management Plan is adopted to ensure highways safety during the construction phase which will be submitted prior to the commencement of development works.
- 12.6. In terms of parking generation, SCC policy dictates one car space for two playing participants (or individual justification). Whilst there is an increase in pavilion floorspace, there are no changes to playing field capacity or

students numbers within the school and hence no increased parking demand. The intent is to improve existing facilities rather than to increase capacity, and therefore no impact on the level of parking provision on the site.

13. Ecology and Biodiversity

- 13.1. Paragraphs 180 and 186 of the NPPF, Policy CS3 of the CS and Policy DM4 of the DMPD require the conservation and enhancement of on-site biodiversity, with minimisation of impacts and the provision of mitigation measures. The duty of care extends to Regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 to protect species identified under Schedule 5 of the Wildlife and Countryside Act 1981 and Schedule 2 of the Conservation of Habitats and Species Regulations 2017.
- 13.2. The site is within a SSSI Impact Risk Zone Area. However, the impacts of a modest-sized extension integrated to the existing building does not pose any foreseeable harm on protected species other than potential impact on bats, discussed below.
- 13.3. The Council's Ecology Officer had requested that a Preliminary Bat Survey be submitted prior to the determination of the application. This was received to the council on 29/09/2023 (undertaken by arbtech consultants) to rule out or mitigate potential harm to all protected species.
- 13.4. The preliminary survey concluded that the building has negligible value for roosting bats due to a lack of potential roost features. There was also no evidence of nesting birds recorded internally within the building or externally or harm to protected species. Nevertheless, biodiversity enhancement opportunities have been recommended.
- 13.5. The Council's Ecology Officer has reviewed the document and is satisfied with the conclusions and recommendations subject to compliance with the biodiversity enhancement opportunities stated in section 4 of the report. As such, the council are satisfied that bats can be protected and biodiversity enhancement opportunities can be carried out, subject to a condition and informative, thus raising no objection.

14. Flooding and Drainage

- 14.1. Paragraphs 165 and 173 of the NPPF, Policy CS6 of the CS and Policy DM19 of the DMPD state that development at medium or high risk from flooding must ensure that there is no increase in flood risk, whether on or off site, and implementation of flood resilience and mitigation to reduce it to acceptable levels.
- 14.2. The site is within Flood Zone 1 and there would be no objection to the proposal in terms of fluvial flood risk.

- 14.3. Given the modest increase in the building's depth and isolation in comparison to neighbouring sites and as it is surrounded by grass sporting fields, it is satisfied that the impact of the development on surface water drainage will not result in adverse flood risk.

15. Environmental Sustainability

- 15.1. On 23 July 2019, the Council committed to tackling Climate Change and addressing Epsom and Ewell Borough Council carbon emissions.
- 15.2. Policy CS6 of the CS stipulates that development should incorporate sustainable development and reduce, or have a neutral impact upon, pollution and climate change. This includes incorporation of renewable energy, use of sustainable construction methods and sustainable building design, flood management, reduction in water use and improvement of water quality and minimisation of noise, water, and light pollution.
- 15.3. The Design and Access Statement states that the internal and external changes proposed to the building will help to improve the sustainability. The presumed benefits of the scheme will include improving internal heat efficiency and modernise the building in line with up-to-date building standards.
- 15.4. No sustainability information has been submitted but in terms of policy requirements. However, a pre-occupation condition is included to ensure sustainability measures are proposed as part of the overall redevelopment, demonstrating how the development would be efficient in the use of energy, water and materials including means of providing the energy requirements of the development from renewable technologies.
- 15.5. It is the responsibility of the applicant to provide their own sustainability measures tailored to the applicants' priorities and use of the building. This will be submitted separately and agreed in writing by the local planning authority.

16. Accessibility and Equality

- 16.1. Policy CS16 of the CS and Policy DM12 of the DMPD requires safe, convenient, and attractive access to be incorporated within the design of the development. Lift access and accessible changing facilities and toilets are included within the scheme, thus ensuring full accessibility.
- 16.2. The Council is required to have regard to its obligations under the Equality Act 2010, including protected characteristics of age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion, or belief. There would be no adverse impacts because of the development.

CONCLUSION

17. Planning Balance

- 17.1. Section 2 of the NPPF has an underlying presumption in favour of sustainable development which is carried through to the Development Plan. Policy CS1 of the CS expects development to contribute positively to the social, economic, and environmental improvements in achieving sustainable development whilst protecting and enhancing the natural and built environment.
- 17.2. The proposed development by virtue of its increase in volume and size, scale, and form in relation to the existing dwelling, will not result in inappropriate development or material harm to the openness and permanence of the Metropolitan Green Belt.
- 17.3. The scheme will support and improve an existing outdoor sport and recreation asset, supporting social and community infrastructure.
- 17.4. Officers are satisfied that the impact of the development on neighbouring amenity, biodiversity, ecology, flooding and drainage, and sustainability is acceptable.

RECOMMENDATION

To grant planning permission subject to the following conditions and informatives:

Conditions

1) Timescale

The development hereby permitted shall be commenced within three years from the date of this decision.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2) Approved Plans

Unless otherwise agreed in writing by the local planning authority, the development hereby permitted shall be carried out in accordance with the plans numbered 1186-PA-05, received by the local planning authority on 22 May 2023.

Reason: For avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans to comply with Policy CS5 of the Core Strategy 2007.

3) Sustainability Measures

Prior to the occupation of the development, details of sustainability measures shall be submitted to and approved in writing by the local planning authority. These details shall demonstrate how the development would be efficient in the use of energy, water and materials including means of providing the energy requirements of the development from renewable technologies. The development shall be carried out in strict accordance with the approved details prior to the first occupation of the building, shall be maintained as such thereafter and no change shall take place without the prior written consent of the local planning authority.

Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development in accordance with Policy CS6 of the Core Strategy (2007).

4) Materials

The materials to be used in the construction of the external surfaces of the extension hereby permitted shall accord with those indicated within the application form associated with the application, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure a satisfactory external appearance in accordance with Policy CS5 of the Core Strategy 2007 and Policies DM9 and DM10 of the Development Management Policies Document 2015.

5) Compliance with Ecology Survey

The mitigation biodiversity enhancement opportunity measures detailed in Section 4 of the approved Ecology Survey (arbtech- Preliminary Bat Roost Assessment submitted on 29 September) shall be carried out in full prior to occupation of the development hereby permitted and thereafter maintained for the lifetime of the development.

Reason: In the interests of minimising flood risk in accordance with Policy CS6 of the Core Strategy 2007 and Policy DM19 of the Development Management Policies 2015.

Informatives

1) Positive and Proactive Discussion

In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

2) Building Control

Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced.

3) Working Hours

When undertaking building work, please be considerate to your neighbours and do not undertake work before 8am or after 6pm Monday to Friday, before 8am or after 1pm on a Saturday or at any time on Sundays or Bank Holidays. Furthermore, please ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.

You are advised that the Council does have formal powers to control noise and nuisance under The Control of Pollution Act 1974, the Clean Air Acts and other relevant legislation. For further information and advice, please contact - Environmental Health Department Pollution Section.

4) Materials

The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning, or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).

5) Damage to Highway

Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost of any excess repairs compared to normal maintenance costs to the applicant/organisation responsible for the damage.

6) Highway Users

The applicant is expected to ensure the safe operation of all construction traffic to prevent unnecessary disturbance obstruction and inconvenience to other highway users. Care should be taken to ensure that the waiting, parking, loading and unloading of construction vehicles does not hinder the free flow of any carriageway, footway, bridleway, footpath, cycle route, right of way or private driveway or

entrance. The developer is also expected to require their contractors to sign up to the "Considerate Constructors Scheme" Code of Practice, (www.ccscheme.org.uk) and to follow this throughout the period of construction within the site, and within adjacent areas such as on the adjoining public highway and other areas of public realm.

7) Protected Species

The applicant is reminded that it is an offence to disturb protected species under the Wildlife and Countryside Act 1981. Should a protected species be found during the works, the applicant should stop work and contact Natural England for further advice on 0845 600 3078.

8) Changes to the Approved Plans

Should there be any change from the approved drawings during the build of the development, this may require a fresh planning application if the changes differ materially from the approved details. Non-material changes may be formalised by way of an application under s.96A Town and Country Planning Act 1990.

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PLANNING APPEALS REPORT

Report	Summary of all Planning Appeal Decisions and Current Appeals
Period	October-December 2023
Author	Simon Taylor, Interim Manager, Development Management
Date of Report	26 January 2024
Appeals Determined	9 (6 dismissed (67%), 3 upheld (33%))
Costs Appeals Determined	2 (1 dismissed (50%), 1 upheld (50%))

SUMMARY

Item	Address	LPA Ref	PINS Ref	Proposal	Decision
1	72 Chesterfield Road West Ewell KT19 9QP	22/01698/ FUL	APP/P3610/W/23/3318006	New bungalow	Dismissed 10/10/23
2	18 Mount Pleasant Epsom KT17 1XE	23/00026/ FLH	APP/P3610/D/23/3322403	Loft and raising of ridge	Upheld 25/10/23
3	20 Mount Pleasant Epsom KT17 1XE	23/00122/ FLH	APP/P3610/D/23/3322276	Loft and raising of ridge	Dismissed 27/10/23
4	49 Lower Hill Road Epsom KT19 8LS	23/00036/ FLH	APP/P3610/D/23/3320972	Use of outbuilding for residential accommodation	Upheld 13/11/23
				Costs appeal	Dismissed 13/11/23
5	Verona, Horton Lane, Epsom KT19 8NX	22/01560/ FUL	APP/P3610/D/23/3319108	Outbuilding	Dismissed 15/11/23
				Costs appeal	Upheld 15/11/23
6	12 Ashford Court, Epsom KT19 8LR	22/01522/ FUL	APP/P3610/W/23/3315065	Detached outbuilding	Dismissed 4/12/23
7	Majestic Wine Warehouse, 31-37 East Street, Epsom	22/01518/ FUL	APP/P3610/W/23/3324830	New self-storage facility	Upheld 8/12/23
8	8A Ewell Downs Road, Epsom KT17 3BP	23/00357/ FLH	APP/P3610/D/23/3326068	Rear extension	Dismissed 19/12/23
9	Brackenlee, Woodcote Side, Epsom KT18 7HJ	23/00457/ FLH	APP/P3610/D/23/3328554	Granny annexe outbuilding	Dismissed 19/12/23

DETAILS

1. 72 Chesterfield Road, West Ewell (dismissed)

- 1.1. The appeal involved the creation of an infill bungalow on a corner plot following demolition of an existing garage. It was dealt with under written representations. The identified issues were the impact upon the character of the area and upon nearby trees.

- 1.2. The Inspector noted an open character with two storey dwellings predominating. The Inspector found that Policy DM16 does not specify that policies protecting against the loss of residential gardens should apply only to landlocked sites, finding at paragraph 6 of the decision that *“As a separate dwelling it would neither reflect the scale, form nor position of other dwellings in its immediate vicinity. Furthermore, it would not have the associated plot size or layout to reflect the prevailing spacious pattern of the existing houses sitting in sizable plots with longer rear gardens. As such, the dwelling and its constrained plot would appear somewhat squeezed in and rather than positively contributing, it would have an unsympathetic relationship with its surroundings that would harm the character and appearance of the wider area.”*
- 1.3. The Inspector also found that proximity to and overshadowing from a nearby Lawson Cypress would likely lead to pressure to remove or prune from future occupiers, but did not find the same with respect to a Walnut.
- 1.4. In applying the titled balance, the harm outweighed the benefits and the appeal was dismissed, with both of the Council’s reasons for refusal well founded.

2. 18 Mount Pleasant Epsom (upheld)

- 2.1. The appeal related to a loft conversion with a rear mansard roof form, front dormer and rooflights. It was dealt with as a householder appeal. The identified issue was the impact upon the character of the area.
- 2.2. The street comprises bungalows and two storey dwellings but the subject site is within a cluster of bungalows. The Inspector concluded that the vast majority of the bulk was at the rear and it would still be appreciated as a bungalow when viewed from the street. The proposed dormer was modest and whilst it was contrary to SPG guidance, this was not mandatory. The appeal was upheld as a result.

3. 20 Mount Pleasant Epsom (dismissed)

- 3.1. The appeal site lies next door to the above appeal site and was considered by the same Inspector. It involved the addition of a first floor to an existing bungalow. It was dealt with as a householder appeal. The identified issue was the impact upon the character of the area.
- 3.2. Noting that this site is also within a cluster of bungalows, the Inspector agreed with the Council in stating that *“The additional height and scale of development would result in a disjointed appearance to the detriment of the host property and the adjoining cluster”* (paragraph 8) and the appeal was dismissed.

4. 49 Lower Hill Road Epsom (upheld)

- 4.1. The appeal related to the use of an incidental outbuilding, originally approved by a certificate of lawfulness, as an ancillary residential accommodation. The main issues are whether the proposal would result in the existing outbuilding being used as a separate residential unit and, if so, the effect on the living conditions of nearby residents in terms of noise and disturbance.

- 4.2. A previous appeal decision was dismissed on account of it being used as a separate dwelling on a permanent basis whereas this appeal relates to overnight accommodation connected to the main dwelling. The Inspector noted that whilst the building was sizeable, the layout of the site and relationship with the main dwelling would prevent independent use. The Inspector did not agree with the Council's reasoning that it could be used as a separate dwelling and should be treated as such, including having to comply with minimum space standards. The appeal was therefore upheld, subject to a condition requiring that it remain as an annexe.
- 4.3. A separate costs appeal was dismissed. The appellant contended that the Council should not have considered the building as a separate dwelling, that they did not undertake a site visit and that the decision was not made in a timely manner. The Inspector did not agree.

5. Verona, Horton Lane, Epsom (dismissed)

- 5.1. The appeal related to the erection of an outbuilding within the curtilage of a dwelling in the Green Belt. It was dealt with under householder appeal service and the identified issues related to whether it was inappropriate development in the Green Belt and whether there was harm to existing trees.
- 5.2. The proposed outbuilding was about 20m from the dwelling but because of its domestic activities, should be considered as part of the dwelling for the purposes of assessing whether the proposal would result in a disproportionate addition over and above the size of the original building as is required to be assessed in Section 13 of the NPPF. For it to be disproportionate, Council policy specifies a maximum increase in volume of 30% whereas the agreed increase was 73%. The Inspector agreed that it was therefore inappropriate development by definition and there was harm to the openness in visual and spatial terms.
- 5.3. The Inspector did not agree that the pressure to remove adjacent Oak, London Plane and Pine trees would be justified as a reason for refusal.
- 5.4. In considering very special circumstances, the Inspector placed substantial weight on the appellant's needs and the benefits associated with the Equality Act 2010 but found that the harm outweighed the benefits and dismissed the appeal.
- 5.5. A separate costs appeal was submitted, alleging unreasonable behaviour by the Council because an additional reason for refusal was introduced since the refusal of a previous application for the same scheme. Unfortunately, the previous application was not assessed against Green Belt policy and the Council were obliged to assess as such under this application. The Council acknowledged that the situation was regrettable, but the Inspector agreed that a full award of costs was justified.

6. 12 Ashford Court, Epsom (dismissed)

- 6.1. The appeal related to the erection of an outbuilding within the garden of a dwelling within the West Park Conservation Area. It was considered under written representations.
- 6.2. The Inspector noted that “The proposal would introduce a building into this narrow space adjacent to a main elevation of the building. In my view, it would appear significantly out of place and would appear as an ill-conceived after-thought within this area. The consistent use of red brick and slate tiles in these blocks means that the consistency of materials is also an important feature. The design and appearance of the proposal would fail to harmonise with the existing buildings and would add to its unacceptable effects.” (paragraph 6)
- 6.3. The building was visually prominent and vegetative screening could not be guaranteed. Benefits of providing home working space were also not supported and the appeal was dismissed.

7. Majestic Wine Warehouses, 31 - 37 East Street, Epsom (upheld)

- 7.1. The appeal relates to the demolition of the existing warehouse and erection of a larger self-storage facility with office space for use by Big Yellow. The appeal related to non-determination and a hearing was held on 21 November 2023. The issues considered during the hearing were:
- The effect on the character of the area and to trees
 - Whether it would prejudice delivery on adjacent sites
 - Neighbour harm (loss of light)
 - Adequacy of on-site car parking
- 7.2. The Inspector noted the considerable height of the five storey building and the fact that it occupied the majority of the site but raised no objection on character grounds when having regard to the setting to the north east and of Hook Road car park. Windowless elevations were successfully broken up by contrasting materials and an active and improved frontage is established where additional landscaping can be established.
- 7.3. The Inspector did not agree that future delivery was prejudiced, noting that the proposal contributed to the delivery of employment floorspace and “Given the early stage in the plan making process I can attach little weight to the Council’s assertion of prematurity” (paragraph 20).
- 7.4. Issues of neighbour amenity related to the adjacent student accommodation building. In dismissing this issue, the Inspector noted the relatively short duration of occupancy by students and vacation-time visitors and the fact desks are mostly located alongside windows before concluding that the extent of the harm was debateable and not unacceptable.
- 7.5. The Inspector noted that the issue relating to the availability of parking was put down to a misinterpretation of the plans and raised no objection. Concerns relating to traffic as raised by interested parties were also dismissed.

7.6. The appeal was subsequently upheld, subject to conditions relating to CEMP, contamination, piling, AIA and AMS, biodiversity, SuDS, materials, landscaping, parking and noise control.

8. 8A Ewell Downs Road, Epsom (dismissed)

8.1. The appeal related to the erection of a double storey side and rear extension. It was considered under the householder appeal process and the main issue is the effect of the proposed extensions on the character and appearance of the host dwelling, the streetscene and The Green/Ewell Downs Road Conservation Area

8.2. The Inspector agreed with the Council with respect to the pleasingly traditional appearance of the host dwelling and its location within the street scene. In dismissing the appeal, the Inspector referred to the loss of the symmetrical bay frontage, excessive bulk and the way in which the two storey side extension, which is built to the boundary, would compromise the setting of the footpath and the Conservation Area and reduce the spacious quality in this location.

9. Brackenlee, Woodcote Side, Epsom (dismissed)

9.1. The appeal related to an outbuilding for ancillary use, with basement in the rear garden of the property. The appeal was dealt with under written representations and the sole issue related to the extent of harm to the character of the area.

9.2. The Inspector agreed with the Council, noting that the scale and height of the outbuilding (including a loft) would be excessive and that it would not be subservient to the main dwelling and would be at odds within its back garden setting. The basement was also would be harmful and contrived and the likely future use being incidental. The Inspector also raised issue with how excavation for the basement could be undertaken in a satisfactory manner. The appeal was dismissed.

CURRENT APPEALS

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Planning Ref	Appeal Ref	PINS Reference	Status	Address	Proposal
22/00010/FUL	23/00022/REF	APP/P3610/W/23/3329486	Pending	Hobbledown, Horton Lane, Epsom	Fencing and gates
22/00316/TPO	22/00033/NONDET	APP/P3610/W/22/3310516	Valid	8 Grafton Road Worcester Park	T1 Pine: Fell to ground level
22/00385/TPO	23/00007/COND	TBC	Valid	Rear Of Burnside, Vernon Close West Ewell	Felling of Oak
22/01757/FUL	23/00017/REF	APP/P3610/W/23/3326613	Valid	26-28 Stoneleigh Broadway, Stoneleigh	Semi-detached houses
22/01810/TPO	23/00019/REF	TBC	Valid	21 Chartwell Place, Epsom	Felling Ash
22/01814/FUL	23/00015/REF	APP/P3610/W/23/3325967	Pending	176 East Street, Epsom	Hip to gable addition
22/01862/FLH	23/00030/REF	APP/P3610/D/23/3331340	Valid	8 Woodcote Hall, Woodcote Road, Epsom	Roof extension
22/01876/LBA	23/00033/REF	APP/P3610/Y/23/3333271	Valid	Royal Automobile Club, Woodcote Park, Epsom	Refurbishment of room
23/00013/FUL	23/00026/REF	APP/P3610/W/23/3330544	Valid	Glyn Hall, Cheam Road, Ewell	Demolition of community hall
23/00175/TPO	23/00032/REF	TBC	Valid	35 Woodcote Hurst, Epsom	Removal of Cypress
23/00176/FUL	23/00029/REF	APP/P3610/W/23/3331410	Pending	15 Amis Avenue, Epsom	Infill dwelling
23/00266/FUL	23/00012/REF	APP/P3610/W/23/3324358	Pending	Land at 1 Limecroft Close, Ewell	Additional dwelling
23/00302/TPO	23/00031/REF	TBC	Valid	5 Poplar Farm Close, Ewell	Part tree removal
23/00352/CLP	23/00023/REF	APP/P3610/X/23/3330057	Pending	41 Manor Green Road, Epsom	Widening of dropped kerb
23/00487/FUL	23/00028/NONDET	TBC	Valid	Linden Cottage, 44 Christchurch Mount, Epsom	Three dwellings
23/00568/FLH	23/00020/REF	APP/P3610/D/23/3328899	Pending	84 Hookfield, Epsom	Fence and curtilage
23/00577/FUL	23/00034/REF	APP/P3610/W/23/3335744	Valid	6A Bucknills Close, Epsom	Six dwellings
23/00702/FLH	23/00024/REF	APP/P3610/D/23/3330304	Pending	58 The Kingsway Ewell	Two storey extension
23/00716/FLH	23/00025/REF	APP/P3610/D/23/3330379	Pending	5 Rutherwyke Close, Stoneleigh	Side and rear extensions
23/00963/FLH	23/00036/REF	APP/P3610/D/23/3335853	Valid	56 West Drive, Cheam	Raised patio with planters
23/00997/FLH	23/00035/REF	APP/P3610/D/23/3335609	Pending	16 Walsingham Gardens, Stoneleigh	Front porch, two storey side and rear extension and dormer
23/01271/FLH	24/00001/REF	TBC	Pending	1 The Headway, Epsom	Carport, outbuilding and fence
23/01272/FLH	24/00002/REF	TBC	Pending	1 The Headway, Epsom	Side extension and change to materials
24/00003/REF	24/00003/REF	APP/P3610/D/24/3337389	Pending	47 Briarwood Road, Stoneleigh	Side and rear extensions