

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

| | |
|-------------------------|---------------------------------------------------------------------|
| Ward: | Ruxley Ward |
| Site: | Hobbledown Horton Lane Epsom Surrey KT19 8PT |
| Application for: | Siting and installation of restroom facilities |
| Contact Officer: | Ginny Johnson |

1 Plans and Representations

- 1.1 The Council now holds this information electronically. Please click on the following link to access the plans and representations relating to this application via the Council's website, which is provided by way of background information to the report. Please note that the link is current at the time of publication and will not be updated.

Link: <https://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=R58V7FGYM LE00>

2 Summary

- 2.1 This application seeks restroom facilities at "Hobbledown", the Application Site ("Site"). The facilities are necessary for visitors at the Site.
- 2.2 The facilities would be a moveable structure, likened to the design of a traditional Shepherd's Hut, restricted only by its service connections. The structure measures 2.28 metres in depth, 4.98 metres in width and 3.15 metres in height, excluding the wheelbase. It is sited adjacent to existing trees and natural vegetation, which would provide natural screening
- 2.3 When considering the wider Site "holistically", the proposed restroom facilities would not encroach further into the Green Belt, nor further erode the openness of this part of the Green Belt, given that the wider Site is already subject to built form and that the restrooms comprise a modest, non-permanent structure, which is screened.
- 2.4 The proposed restroom facilities are positioned away from nearby residential properties by approximately 60 metres. These are not considered to adversely impact the neighbouring amenity enjoyed at nearby residential properties, given the separation distances that exist between the Application Site and surrounding residential houses.

2.5 The Environment Agency formally commented on this application, setting out that as there is no intention to discharge foul drainage to ground from the proposed development, there are no comments on the proposal from a ground water protection perspective. Surrey County Council Local Flood Lead formally commented on this application, on 11.02.2022, setting out that as there is no change to the impermeable area or surface water drainage system, it would have no further comments.

2.6 Officers recommend approval.

3 Site description

3.1 The wider Site is known as “Hobbledown”, which is a children’s farm comprising a fantasy themed adventure park and zoo, with indoor and outdoor children’s play areas and apparatus. It measures approximately 13.3 hectares in size, located to the west of Horton Lane and to the south of McKenzie Way.

3.2 The wider Site is designated as:

- Green Belt
- Horton Country Park Nature Reserve

3.3 Part of the wider Site is designated as:

- Critical Drainage Area
- Intermediate Gas Main.

3.4 The wider Application Site is within Flood Zone 1.

4 Background and Proposal

4.1 Planning permission was granted in 2011, under ref: 11/00511/FUL, for:

“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 (amended description)”

4.2 Since the planning permission was granted in 2011, “Hobbledown” has undergone major refurbishment and expansion as a leisure attraction.

4.3 This application seeks restroom facilities.

5 Comments from third parties

5.1 The application was advertised by means of letters of notification to 10 neighbouring properties. 7 letters of objection have been received regarding:

- Design and visual impact of facilities
- Drainage

6 Consultations

- SCC LLFA: no objection

- Environment Agency: no objection

7 Relevant planning history

| Application number | Decision date | Application detail | Decision |
|--------------------|---------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| 22/00008/REM | Pending | Variation of condition 2 of planning permission 11/00511/FUL (hours of operation) to open the site to the public at 08:30 instead of 09:00 as previously conditioned | Pending |
| 22/00009/FUL | Pending | Siting and installation of restroom facilities | Pending |
| 22/00010/FUL | Pending | Erection of perimeter boundary timber fencing, relocation of entrance gates and installation of gas tank holder (Retrospective) | Pending |
| 22/00011/REM | Pending | 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 over-flow car parking at times of peak demand | Pending |
| 22/00013/REM | Pending | 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 |
| 21/02021/FUL | Pending | Installation of timber and netting outdoor play structures, installation of 3 no. bounce pillows and construction of Lorikeet enclosure/structure (retrospective) | Pending |
| 19/01691/FUL | Granted | Development of a bird of prey shelter | 10 December 2020 |
| 19/01573/REM | Granted | Amendment to play structure permitted under 17/00988/FUL to provide new smaller play structure for younger children | 16 March 2020 |
| 18/00154/FUL | Refused | Erection of bird of prey shelter | 03 July 2018 |
| 18/00141/FUL | Granted | Use of land for the siting of one canvas yurt and one timber clad tepee | 04 July 2018 |
| 18/00044/FUL | Granted | Siting of eight animal shelters (retrospective) | 15 June 2018 |

| Application number | Decision date | Application detail | Decision |
|--------------------|-------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|
| 17/00988/FUL | Granted | Addition of timber and netting outdoor play structure | 20 December 2017 |
| 14/00144/FUL | Granted at appeal, 02.07.2015 | Creation of overflow car parking area and associated landscaping | Granted at appeal, 02.07.2015 |
| 14/00145/REM | Granted | 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 | 28 July 2014 |
| 14/00146/REM | Granted at appeal, 02.07.17 | 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, 02.07.17 |
| 13/01184/FUL | Granted | 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 | 14 February 2014 |
| 13/00499/FUL | Granted | Roof canopy extension to main barn, to provide covered space for existing outdoor eating area | 15 October 2013 |
| 11/01394/NMA | Granted | Revision of entrance kiosk layout and revised floor layout. Re- use of existing playrooms and new barn (6773/71D) not being constructed | 1 June 2012 |

| Application number | Decision date | Application detail | Decision |
|--------------------|---------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| 11/00511/FUL | Granted | 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_ | 09 December 2011 |
| 98/00724/FUL | Granted | 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 | 08 April 1999 |
| 98/00220/FUL | Granted | Extension to existing car park for visitors | 10 September 1998 |

8 Planning Policy

National Policy Planning Framework (NPPF) 2021

| | |
|------------|----------------------------------------------------------------------|
| Chapter 2 | Achieving sustainable development |
| Chapter 6 | Building a strong, competitive economy |
| Chapter 8 | Promoting healthy and safe communities |
| Chapter 9 | Promoting sustainable transport |
| Chapter 12 | Achieving well-designed places |
| Chapter 13 | Protecting Green Belt Land |
| Chapter 14 | Meeting the challenge of climate change, flooding and coastal change |

Core Strategy 2007

| | |
|-------------|-------------------------------------------------------|
| Policy CS1 | Creating Sustainable Communities in the Borough |
| Policy CS2 | Green Belt |
| Policy CS3 | Biodiversity and Designated Nature Conservation Areas |
| Policy CS16 | Managing Transport and Travel |

Development Management Policies Document 2015

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 Landscaping

Policy DM6 Open Space Provision

Policy DM9 Townscape Character and Local Distinctiveness

Policy DM10 Design Requirements for New Developments

Policy DM19 Development & Flood Risk

Policy DM35 Transport and New Development

Policy DM36 Sustainable Transport for New Development

9 Planning considerations

Principle of Development: Green Belt and Community Facilities

- 9.1 Paragraph 147 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.
- 9.2 Paragraph 149 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 are:
 - a) buildings for agriculture and forestry
 - 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;
 - 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;
 - d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - e) limited infilling in villages;
 - f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and

- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the Local Planning Authority.
- 9.3 Policy CS2 of the Epsom and Ewell Core Strategy establishes that strict control will continue to be exercised over inappropriate development as defined by Government policy.
- 9.4 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.
- 9.5 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.
- 9.6 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.
- 9.7 Planning permission was granted in 2011, under ref: 11/00511/FUL, for (inter alia) the continued use of the wider Site as a children's farm. Since the planning permission was granted, the wider Site has been subject to major refurbishment and expansion as a leisure attraction.
- 9.8 A Cover Letter, dated 22 December 2021, accompanies this application. It sets out that the proposal seeks additional restroom facilities at the Site, which is necessary to provide additional welfare facilities to visitors at the Site. The proposed facilities would be in an area of the Site used for picnics, as established by the Masterplan of planning permission ref: 11/00511/FUL. This would be a moveable structure, restricted only by its service connections and sited adjacent to existing trees and natural vegetation, which would provide natural screening.
- 9.9 The Cover Letter sets out that the proposed structure measures 2.28 metres in depth, 4.98 metres in width and 3.15 metres in height, excluding the wheelbase. It would be finished in a grey corrugated metal cladding to the walls and roof, with timber framed windows and doors, with the whole structure mounted on wheels. The design draws inspiration from a traditional Shepherd's Hut.

- 9.10 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 appropriate in the Green Belt, as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
- 9.11 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.
- 9.12 The wider 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. The proposed restroom facilities are necessary to provide additional welfare facilities to visitors at the Site and to support the functionality of the children's farm.
- 9.13 When considering the wider Site "holistically", the proposed restroom facilities would not encroach further into the Green Belt, nor further erode the openness of this part of the Green Belt, given that the wider Site is already subject to built form and that the restrooms comprise a modest, non-permanent structure, which is screened.
- 9.14 The proposed restroom facilities is considered to comply with exception B) of paragraph 149 of the NPPF. The elements sought as part of this application would not further encroach into the Green Belt or erode the openness of this part of the Green Belt, which is already subject to built form and development. Therefore, the proposal would not be inappropriate development and there would be no need to demonstrate that Very Special Circumstances exist in order that development can be approved. Furthermore, there would be no conflict with Policy CS2.
- 9.15 The proposal is considered to comply with Policies CS13 and DM34, supporting the functionality of the children's farm, to ensure it continues operating as a community facility.

Design

- 9.16 Policy DM9 sets out that planning permission will be granted for proposals that make a positive contribution of the Borough's visual character and appearance. In assessing this, the Council considers the proposal's compatibility with local character and the relationship to the existing townscape and wider landscape.
- 9.17 Policy DM10 sets out that development proposal will be required to incorporate principles of good design.
- 9.18 The Cover Letter that accompanies this application sets out that the proposal seeks additional restroom facilities are proposed in an area of the Site used for picnics, as established by the Masterplan of planning permission ref: 11/00511/FUL. This would be a moveable structure, restricted only by its service connections and sited adjacent to existing trees and natural vegetation, which would provide natural screening.

- 9.19 The Cover Letter sets out that the proposed structure measures 2.28 metres in depth, 4.98 metres in width and 3.15 metres in height, excluding the wheelbase. It is finished in a grey corrugated metal cladding to the walls and roof, with timber framed windows and doors, with the whole structure mounted on wheels. The design draws inspiration from a traditional Shepherd's Hut.
- 9.20 The proposed restrooms are modest in size (height, width and depth), comprising an acceptable material palette and positioned appropriately within the Site (noting that this is not a permanent structure). It also benefits from surrounding natural screening. It is considered to comply with Policy DM10.

Neighbour Amenity

- 9.1 Policy DM10 sets out that development proposal should have regard to the amenities of occupants and neighbours, including in terms of privacy, outlook, sunlight/daylight, and noise and disturbance.
- 9.2 The proposed restroom facilities are positioned away from nearby residential properties by approximately 60 metres. These are not considered to adversely impact the neighbouring amenity enjoyed at nearby residential properties, given the separation distances that exist between the Application Site and surrounding residential houses.
- 9.3 The proposal is considered to comply with Policy DM10.

Flood Risk

- 9.4 Policy DM19 sets out that development at risk from sources of flooding should not be supported unless (inter alia) it can be demonstrated through a site Flood Risk Assessment that the proposal would, where practical, reduce risk both to and from the development or at least be risk neutral.
- 9.5 The Applicant confirmed via email on 20.09.2022 that this is a temporary structure on wheels, with an overall footprint of 11.4swm. There is no requirement for a dedicated surface water drainage system associated with the development. Here would be no increase in impermeable surfacing or alteration of drainage at the Site. Rainfall would filter through the existing surface as is currently the situation.
- 9.6 The Environment Agency formally commented on this application, on 15 June 2022, setting out that as there is no intention to discharge foul drainage to ground from the proposed development, there are no comments on the proposal from a ground water protection perspective.
- 9.7 Surrey County Council Local Flood Lead formally commented on this application, on 11.02.2022, setting out that as there is no change to the impermeable area or surface water drainage system, it would have no further comments.
- 9.8 The proposal complies with Policy DM19.

Other matters

- 9.9 It has been raised within representation that there are inaccuracies on the Application Form submitted with this application. The Applicant provided the below response, in response to this:

We note comments made by third parties in respect of Flood Risk and acknowledge that the Site does sit within a Critical Drainage Area as identified by Epsom and Ewell Borough Council's Strategic Flood Risk Assessment (SFRA). The Environment Agency (EA) Flood Map for Planning indicates that the Site is located within Flood Zone 1, whereby the annual probability of flooding from fluvial sources is classified as less than 1 in 1,000. The EA's updated Flood Map for Surface Water indicates that the Site is predominantly at 'very low' risk of surface water flooding. This corresponds with an annual Application Site probability of flooding that is less than 1 in 1,000 (0.1%). Notwithstanding third-party comments, there are no open watercourses running through the Site or within 20m of the development. Given the nature of the development, we do not consider that the proposals would exacerbate flood-risk elsewhere or require a Flood Risk Assessment to be undertaken; a view shared by SCC LLFA. Figures relating to the Site area and size of the structure are different figures and are correct. We acknowledge that glimpsed views may be experienced from public bridleway running to the North of the Site.

10 Conclusion

- 10.1 The facilities would be a moveable structure, likened to the design of a traditional Shepherd's Hut, restricted only by its service connections. The structure measures 2.28 metres in depth, 4.98 metres in width and 3.15 metres in height, excluding the wheelbase. It is sited adjacent to existing trees and natural vegetation, which would provide natural screening
- 10.2 When considering the wider Site "holistically", the proposed restroom facilities would not encroach further into the Green Belt, nor further erode the openness of this part of the Green Belt, given that the wider Site is already subject to built form and that the restrooms comprise a modest, non-permanent structure, which is screened.
- 10.3 The proposed restroom facilities are positioned away from nearby residential properties by approximately 60 metres. These are not considered to adversely impact the neighbouring amenity enjoyed at nearby residential properties, given the separation distances that exist between the Application Site and surrounding residential houses.
- 10.4 The Environment Agency formally commented on this application, setting out that as there is no intention to discharge foul drainage to ground from the proposed development, there are no comments on the proposal from a ground water protection perspective. Surrey County Council Local Flood Lead formally commented on this application, on 11.02.2022, setting out that as there is no change to the impermeable area or surface water drainage system, it would have no further comments.
- 10.5 Officers recommend approval.

11 Recommendation

- 11.1 Grant planning permission, subject to Conditions

Condition(s):

1.The development hereby permitted shall be carried out in accordance with the following approved plans:

P200/3.001 – Location Plan – dated 27.09.21

P200/3.2001 Rev 02 – Proposed Restroom Facility – dated 26.08.21

Reason: For the 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.The development hereby permitted shall be constructed entirely of the materials as detailed on the schedule of materials on the Application Form.

Reason: To secure a satisfactory appearance in the interests of the visual amenities and character of the locality in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM9 and DM10 of the Development Management Policies 2015.

Informative(s):

1. 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.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.

If you need any advice regarding Building Regulations please do not hesitate to contact Epsom & Ewell Borough Council Building Control on 01372 732000 or contactus@epsom-ewell.gov.uk.