

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

Ward:	Ruxley Ward
Site:	Hobbledown Horton Lane Epsom Surrey KT19 8PT
Application for:	Erection of perimeter boundary timber fencing, relocation of entrance gates and installation of gas tank holder (Retrospective)
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=R58V7SGYMLF00>

2 Summary

- 2.1 This application seeks retrospective planning permission for perimeter boundary timber fencing, relocation of entrance gates and the installation of a gas tank holder at "Hobbledown", the Application Site ("Site")
- 2.2 The wider Site is in use as a children's farm, comprising a variety of buildings, structures and play equipment. The elements sought as part of this application are required to support the functionality of the children's farm.
- 2.3 When considering the wider Site "holistically", the elements sought as part of this application do not encroach further into the Green Belt and do not further erode the openness of this part of the Green Belt, given that it is already subject to built form and development. The fencing proposed intends to provide further screening.
- 2.4 The proposal 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.

2.5 The elements sought as part of this application are located within the wider Site and are positioned away from nearby residential properties (approximately 40 metres). These are not considered to adversely impact the neighbouring amenity enjoyed at nearby residential properties, given the separation distances that exist between the wider Site and surrounding residential houses.

2.6 Officers recommend approval of the application.

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 retrospective planning permission, which is the granting of planning permission after works have taken place. This application seeks retrospective planning permission for perimeter boundary timber fencing, relocation of entrance gates and the installation of gas tank holder.

5 Comments from third parties

5.1 The application was advertised by means of letters of notification to 10 neighbouring properties. 6 letters of objection have been received regarding:

- Precedence set by potentially approving retrospective planning applications
- Green Belt impact
- Visual impact of fencing
- Protection of gas tank
- Vehicle impacts

6 Consultations

- EEBC Ecology: no objection
- EEBC Environmental Health: no objection
- SCC Highways: response outstanding

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

Application number	Decision date	Application detail	Decision
18/00044/FUL	Granted	Siting of eight animal shelters (retrospective)	15 June 2018
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	1 June 2012

Application number	Decision date	Application detail	Decision
		playrooms and new barn (6773/71D) not being constructed	
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 Submission Document November 2014

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 This application seeks retrospective planning permission, which is the granting of planning permission after works have taken place. This application seeks retrospective planning permission for perimeter boundary timber fencing, relocation of entrance gates and the installation of a gas tank holder.
- 9.9 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 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.
- 9.10 The wider Site is in use as a children's farm, comprising a variety of buildings, structures and play equipment. The elements sought as part of this application are required to support the functionality of the children's farm.

- 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 elements sought as part of this application are required to support the functionality of the children's farm. The fencing proposed seeks to screen the existing service yard and the wider Site itself, when viewed from the highway.
- 9.13 When considering the wider Site "holistically", the elements sought as part of this application do not encroach further into the Green Belt and do not further erode the openness of this part of the Green Belt, given that it is already subject to built form and development. The fencing proposed intends to provide further screening.
- 9.14 The proposal 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 A Cover Letter, documentation and drawings accompany this application.
- 9.19 The Cover Letter, dated 22 December 2021, sets out that the application relates to the functional service yard area, which supports the wider operations of the established farm, including operations relating to animal welfare and the general ongoing maintenance and upkeep of the Site. This part of the Site comprises a range of buildings of typical functional agricultural design.
- 9.20 The Cover Letter sets out that fencing that screens the existing service yard measures approximately 2 metres in height, as shown on Proposed Site Plan drawing ref: 188-3.011 Rev 02. Further fencing continues within the Site, along the north-western boundary of the service yard, measuring approximately 2.3 metres in height. The fencing seeks to provide functionality and screening of the existing service yard.

- 9.21 The Cover Letter sets out that it is proposed to relocate the existing boundary gates a further 2 metres into the Site, as shown on Proposed Site Plan drawing ref: 188-3.011 Rev 02, to allow for a larger area for vehicles to pull off the main carriageway before entering the Site.
- 9.22 The Cover Letter sets out that a concrete plinth is within the service yard, to facilitate the installation of an above ground Gas Holder. It is screened by the existing perimeter fencing, natural screening and close-boarded fencing. It is not generally visible beyond the boundaries of the Site.
- 9.23 The wider Site comprises a variety of buildings, structures and play equipment, with no uniform design style. The elements sought as part of this application support the functioning of the wider Site as a children's farm and provides fencing, to act as screening. The design and materials used as considered acceptable. The proposal is considered to comply with Policies DM9 and 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 elements sought as part of this application are located within the wider Site and are positioned away from nearby residential properties (approximately 40 metres). These are not considered to adversely impact the neighbouring amenity enjoyed at nearby residential properties, given the separation distances that exist between the wider Site and surrounding residential houses.
- 9.3 EEBC Environmental Health were formally commented on this application and raised no objection. The elements sought as part of this application are not considered to adversely impact the neighbouring amenity enjoyed at nearby residential properties in terms of noise and disturbance.
- 9.4 The proposal is considered to comply with Policy DM10.

Ecology, Trees, and Landscaping

- 9.5 Policy DM4 sets out that development affecting existing or proposed nature conservation sites and habitats of international, national or local importance will only be permitted if (inter alia) the development would enhance the nature conservation potential of the Site, there is no alternative location for the development and there are imperative reasons of overriding public interest for the development. Elsewhere in the Borough, development affecting any Site or building that supports special species protected by Law, will only be permitted if appropriate mitigation and compensatory measures are agreed to facilitate the survival of the species, keep disturbance to a minimum and provide adequate alternative habitats to ensure no net loss of biodiversity.
- 9.6 Policy DM4 further sets out that whether or not there are any species or habitats that enjoy statutory protection, every opportunity should be taken to secure net benefit to the Borough's biodiversity. To this end, an assessment of the existing nature conservation assets on a development site should be undertaken at the application stage and suitable biodiversity enhancements proposed.

- 9.7 Policy DM5 sets out that landscape proposals are required for new developments, which retain existing trees and other important landscape features where practical.
- 9.8 Policy DM6 sets out that development proposals should not result in the whole or partial loss of open space or outdoor recreation facilities.
- 9.9 Policy DM5 sets out that every opportunity should be taken to ensure that new development does not result in a significant loss of trees, hedgerows or other landscape features unless suitable replacements are proposed.
- 9.10 The Development Management Policies Document (2015) sets out that the Borough's varied Green Infrastructure assets are a key feature that makes it a unique place to live, work and play. It is a term that is applied to a wide variety of assets, which includes local nature reserves.
- 9.11 The Site is located within Horton Country Park Nature Reserve. The principle of development was established on the Site through the 2011 planning permission (ref: 11/00511/FUL), with the Site since undergoing major refurbishment and expansion as a leisure attraction. It is therefore no longer an open green space.
- 9.12 It is understood that no trees were removed as part of this application.
- 9.13 EEBC Ecology has confirmed no objection to this application.
- 9.14 The proposal is considered to comply with Policies DM4 and DM5.

Transport and car parking

- 9.15 Policy CS16 sets out that development proposals shall (inter alia) minimise the need for travel through measures such as travel plans, provide safe, convenient and attractive accesses for all, be appropriate for the highways network in terms of the volume and nature of traffic generated, and ensure that the safety, convenience and free flow of traffic using the highway are not adversely affected, 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.
- 9.16 The Cover Letter accompanying this application sets out that the existing boundary gates are proposed to be relocated a further 2 metres into the Site, to allow for a larger area for vehicles to pull off the main carriageway, before entering the Site. This would be to the benefit of highway safety and the immediate road network, avoiding potential disruptions and obstructions of the carriageway, when larger delivery vehicles are attending the Site and no able to immediately enter at times when the gates are closed.
- 9.17 SCC Highways has been consulted on this application, with the response currently outstanding. Officer considers that the proposal is probably beneficial, given that it enables vehicles to pull off the main carriageway, before entering the Site, avoiding potential disruptions and obstructions of the carriageway.

10 Conclusion

- 10.1 This application seeks retrospective planning permission for perimeter boundary timber fencing, relocation of entrance gates and the installation of a gas tank holder.
- 10.2 The wider Site is in use as a children's farm, comprising a variety of buildings, structures and play equipment. The elements sought as part of this application are required to support the functionality of the children's farm.
- 10.3 When considering the wider Site "holistically", the elements sought as part of this application do not encroach further into the Green Belt and do not further erode the openness of this part of the Green Belt, given that it is already subject to built form and development. The fencing proposed intends to provide further screening.
- 10.4 The proposal 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.
- 10.5 The elements sought as part of this application are located within the wider Site and are positioned away from nearby residential properties (approximately 40 metres). These are not considered to adversely impact the neighbouring amenity enjoyed at nearby residential properties, given the separation distances that exist between the wider Site and surrounding residential houses.
- 10.6 Officers recommend approval of the application.

11 Recommendation

- 11.1 Approve, subject to Conditions

Condition(s):

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

188/0.011 Rev 03 – Location Plan – dated November 2021

188/3.011 Rev 02 – Proposed Fence/Gas Holder Site Plan – dated November 2021

LPG Storage Tank Details document

Boundary Fence document

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.