

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

<b>Ward:</b>	<b>Ruxley Ward</b>
<b>Site:</b>	<b>Hobbledown Horton Lane Epsom Surrey KT19 8PT</b>
<b>Application for:</b>	<b>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</b>
<b>Contact Officer:</b>	<b>Ginny Johnson</b>

## 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=R58V7ZGYMLG00>

## 2 Summary

- 2.1 This retrospective Section 73 planning application seeks to vary Condition 20 of planning permission ref: 11/00511/FUL, to allow for the paddock land, identified as Zones F9 and F10 on the "approved masterplan", to be accessible to the public and utilised as overflow car parking at times of peak demand.
- 2.2 In response to the Covid-19 pandemic, Hobbledown undertook a risk assessment, which highlighted several measures that needed to be implemented to ensure that social distancing and safe operation could be adhered to. Hobbledown allowed greater separation between car parking spaces, with visitors self-managing car parking within the approved car parking areas upon arrival at the Site. This led to the approved car park reaching capacity and an additional car park then required. Officers understand that the Applicant expects Covid-19 safety measures to be required for the foreseeable future at the Site.
- 2.3 The wider Site comprises a variety of buildings, structures and play equipment, with no uniform design style. The overflow car park is at ground level and so there would be little obtrusive impact on openness. The perception would be of an open site with a natural, undeveloped appearance. In this respect, openness would be preserved.
- 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 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 is no need to demonstrate that Very Special Circumstances exist in order that development can be approved.

- 2.5 The proposed overflow car park is at ground level and positioned away from residential properties. Therefore, it would not adversely impact neighbouring amenity in terms of loss of privacy, loss of outlook, loss of sunlight/daylight.
- 2.6 The Applicant suggested that subject to planning permission being granted, a Condition requiring an updated Visitor Management Plan, updating details of the overflow car park, is submitted within a set timeframe of a decision being made.
- 2.7 Officers recommend approval of the application.

### 3 Site description

- 3.1 The 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 Site is within Flood Zone 1.

### 4 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 An “application for removal or variation of a condition following grant of planning permission. Town and Country Planning Act 1990.Planning (Listed Buildings and Conservation Areas) Act 1990” has been submitted to the Local Planning Authority. This is otherwise known as “Section 73 of the Town and Country Planning Act 1990”.
- 4.3 Section 73 of the Town and Country Planning Act 1990 allows applications to be made for permission to develop without complying with a Condition(s) previously imposed on a planning permission. The Local Planning Authority can grant such permission unconditionally or subject to different conditions, or they can refuse the application if they decide that the original Condition(s) should continue.
- 4.4 This (Section 73 of the Town and Country Planning Act 1990) application seeks to vary Condition 20 of planning permission ref: 11/00511/FUL, which relates to the Application Site’s masterplan. The proposal seeks for Zones 9 and 10, as identified on the “approved masterplan”, to be accessible by the public for the purposes of overflow car parking, at times of peak demand.
- 4.5 Condition 20 of planning permission ref: 11/00511/FUL is as follows:

*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)*

- 4.6 This Committee Report does not seek to review all material considerations relating to planning permission ref: 11/00511/FUL. It seeks to review the specific request to amend Condition 20 only. All other material considerations were addressed with planning permission ref: 11/00511/FUL.

## 5 Comments from third parties

- 5.1 The application was advertised by means of letters of notification to 10 neighbouring properties. 9 letters of objection have been received regarding:
- No justification for additional car parking or information about number of car parking spaces
  - Additional traffic generation
  - Biodiversity impacts

## 6 Consultations

- SCC Highways: recommend Condition
- SCC LLFA: no comments.
- EEBC Ecology: no objection
- EEBC Tree Officer: recommend Condition

## 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	Pending

Application number	Decision date	Application detail	Decision
		11/00511/FUL to allow deliveries to the farm shop and cafe via McKenzie Way access	
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
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	Granted at appeal, 02.07.17

Application number	Decision date	Application detail	Decision
		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	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
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 November 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

#### *Policy*

- 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.

#### *Applicant's Cover Letter*

- 9.7 A Cover Letter accompanies this application, dated 22 December 2021. It sets out that this is a retrospective Section 73 planning application, seeking to vary Condition 20 of planning permission ref: 11/00511/FUL, to allow for the paddock land, identified as Zones F9 and F10 on the "approved masterplan", to be accessible to the public and utilised as overflow car parking at times of peak demand.
- 9.8 For the avoidance of doubt, retrospective planning permission is planning permission sought after works have taken place.

#### *Applicant's Planning Statement – requirement for overflow car parking*

- 9.9 A Planning Statement accompanies this application, dated 22 December 2021. It sets out that this Section 73 planning application seeks to allow public access to paddock land within the Site to be used as overflow car parking during times of peak demand.
- 9.10 The Planning Statement sets out that considering Government advice relating to the Covid-19 pandemic, Hobbledown undertook a risk assessment, which highlighted several measures that needed to be implemented to ensure that DEFRA guidance in relation to social distancing and safe operation during the pandemic was adhered to.

- 9.11 The Planning Statement sets out that in response to the Covid-19 pandemic, Hobbledown allowed greater separation between car parking spaces, with visitors self-managing car parking within the informal approved parking areas upon arrival at the Site. Previously car parking was managed by Hobbledown employees/car parking marshals. The informality of the layout of the car park allowed for increased spacing between parked vehicles, which in turn reduced the overall numbers of vehicles that could be accommodated within the approved car parking areas, thereby requiring additional overload car parking provision at peak times.
- 9.12 The Planning Statement sets out that the use of Zones F9 and F10 for overflow car parking has resulted in the Site operating in breach of Condition 20 of planning permission ref: 11/00511/FUL. Allowing for overflow car parking at peak times to allow for appropriate levels of car parking provision is considered vital to the continued safe and successful future operation of Hobbledown.
- 9.13 The Planning Statement sets out that whilst restrictions have eased, Covid-19 remains a threat and businesses will be expected to retain COVID-19 safety measures for the foreseeable future. In common with other visitor-based businesses, Hobbledown has no plans to withdraw its health and safety policies, and these will continue in the interests of health and safety to staff and visitors alike.
- 9.14 The Planning Statement sets out that the use of Zones F9 and F10 for overflow car parking facilities will facilitate the business to continue to operate effectively and safely and constitute an improvement to an established facility.

#### *Green Belt*

- 9.15 The Planning Statement sets out that the proposed additional land to be used for overflow car parking is modest in scale and ancillary to the farm park use.
- 9.16 The Planning Statement sets out that the Applicant considers that use of the land for ancillary car parking is not inappropriate within the Green Belt and refers to the Appeal Decision, dated 2015, ref: APP/P3610/W/14/3000847 and APP/P3610/W/14/3000633. These sought the creation of overflow car parking areas, with associated landscaping and variation of Condition 20.
- 9.17 The Planning Statement reviews the impact on openness. It sets out that the Site is adjacent to and has similar characteristics to the existing car parking area.
- 9.18 The Planning Statement sets out that the application is submitted in retrospect, with the Site having been in breach of Condition 20, for overflow car parking. Whilst the use of the land for additional overflow car parking has currently been discontinued, the impacts of the proposed use have in some respects been fully realised.
- 9.19 The Planning Statements sets out that the use of the land for car parking has minimal harm upon the openness of the Green Belt, since no structures are proposed and the ground reinforcement system that has been paid onto the grass is visually unobtrusive. The paddocks area is virtually unchanged in appearance and would be similar in appearance to the car parking area allowed at Appeal in 2015. It would however mean that cars will be parked within the area, which would cause a minor adverse effect. However, the use of the overflow car park would be limited to days on which it is needed, at other times it would be gated. The Applicant is willing to accept a Condition, requiring the area to be unused and gated when there is capacity in the main car park. On balance, the Applicant considers that the effect on openness is "slight adverse".



- 9.20 The Planning Statement sets out that views of the Site would be largely restricted to localised views experiences from within the Site. The existing car parking areas benefit from existing landscaping and natural screening. Any actual or perceived visual harm of the extension to the car park upon the openness would be minimum, or nil on days that it is not used. Since the development would utilise an established brownfield Site and would only be used on limited days, it would not contribute to the unrestricted sprawl of a large built-up area.
- 9.21 The Planning Statement sets out that in relation to safeguarding the countryside, the development falls within an existing visitor attraction, but there would be a small loss of one of the “green areas” in the Site on the days where cars are parked on the paddocks.
- 9.22 Should the Local Planning Authority disagree with the Applicant’s considerations, Very Special Circumstances are provided within the Planning Statement, which are summarised below:

<b>Applicant’s Planning Statement – Very Special Circumstances case</b>	
<b>The need to accommodate additional over-flow parking</b>	<p>The COVID-19 pandemic has resulted in the business having to adapt its working practices and operations to adopt a safer and more suitable environment for its visitors and staff alike. The additional car parking is considered vital to the continued success of Hobbledown, which is an important regional and local leisure destination. The need has been derived from a risk assessment that the business must undertake to meet its legal duties, which noted the risk from COVID of cars being parked close to other cars and people interacting next to their cars. The risk assessment set out that arrangements would need to be made to allow for cars to park with greater spacing to remove that risk. The removal of parking marshals was one outcome of that process.</p> <p>With this new, more ‘relaxed’ parking system in place, the problem of insufficient car parking occurs on a number of occasions throughout the year. In the event of no parking being available visitors are either turned away, which impacts on the viability of the business, or they seek alternative parking within the vicinity of the area, which has the potential to impact on highway safety and the amenity of neighbouring uses including local residents. By allowing the use of the paddock as overflow parking this would accommodate additional parking at those peak times. This will help the attraction to remain competitive and avoiding customer dissatisfaction (through negative feedback to the business) and will also avoid any visitor safety implications caused by customers parking off-site; further minimising the potential for harm to residential amenity if visitors decide to park in nearby residential areas.</p> <p>The business considers that this spacing is necessary to avoid impacts from COVID, and to allow the business to be reliant in the short, medium and long term. Because of the undesirable impacts of not allowing additional spacing, we consider this to be a very significant consideration which, taken on its own, and cumulatively with the other considerations below, outweighs limited harm identified. There are, however, additional considerations which also weigh in the proposal’s favour.</p>

<b>Applicant's Planning Statement – Very Special Circumstances case</b>	
<b>No other sites are suitable for this purpose</b>	The application seeks to allow continued use of land adjacent to the existing car park at the site. The development of any other sites that potentially could accommodate this purpose with the site would likely cause greater harm and would in any event not be immediately adjacent to the existing surfaced car parks causing operational and access issues. The application site is the only possible location for the extension to the car park.
<b>Economic and social benefits and support for tourism/community</b>	<p>The proposed development is vital for the continued economic viability of the business which has significant benefits in terms of the rural economy through income generated through visitor spending and the creation of jobs in the area. The social benefits of the continued operation of the site also attracts weight.</p> <p>The Council has previously supported developments at the site which has assisted in the site's development and competitiveness within the tourism industry. It is further noted that Councils around London have also consistently supported sometimes very significant development at visitor attractions in the Metropolitan Green Belt on the basis of economic benefits. This includes attractions such as the nearby Chessington World of Adventures, Thorpe Park, Legoland, Paradise Wildlife Park, Willows Farm Village and Old MacDonalds Farm. Without these changes being put in place, the business may have to reduce the number of visitors attending at any one time, which would potentially impact upon its viability. The last two years have been an exceptionally difficult time for this business, and it needs support from the Council to allow it operate in the COVID environment, which is likely to exist many years into the future, possibly permanently.</p> <p>For all these reasons, we consider that very special circumstances do exist because the 'other considerations; firmly outweigh the very limited harm caused to the Green Belt by the surfacing of the overflow parking area. As such, it complies with guidance contained within the NPPF, Policy CS2 of the Core Strategy and Policy DM1 of the DMPD.</p>

#### *Appeal decision*

- 9.23 Each planning application is assessed individually and on its own merits, but in this case, Officers have considered the Appeal Decision: APP/P3610/W/14/30000847 and APP/P3610/W/14/3000633, which relate to the development of an overflow car parking area and associated landscaping at Hobbledown Children's Farm.
- 9.24 The Inspector reviewed whether the proposed parking area would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (NPPF). It is noted that the NPPF has been revised since the 2015 version, but nonetheless, Officers have still considered the Appeal decision.

- 9.25 The Inspector sets out that the test was whether openness would be “preserved”. If it were intended that Green Belt land should be kept exactly as it is, then presumably National policy would not have allowed for any form of development to be accepted as not inappropriate.
- 9.26 The Inspector found that the plastic surfacing treatment was at ground level and therefore there would be little obtrusive impact on openness. Furthermore, a grassed appearance would remain so that the perception would be of an open Site with a natural, undeveloped appearance. In this respect, openness would be preserved.
- 9.27 The Inspector found that the proposed would be used for the parking of cars which, although not permanent, would have an effect on openness. The Appellant (in this case) had explained that the proposed facility would largely solve existing problems with the availability of car parking spaces at peak times.
- 9.28 The Inspector found that because of its location, it is likely that the car parking area would be used in the manner suggested by the Appellant (in this case). Even if not, the likely incidence of parked cars would not be materially greater than it is now. As a result, the overall effect on openness would be insignificant. In the light of all factors, the proposal would preserve the openness of the Green Belt.

*Applicant email correspondence*

- 9.29 An email from the Applicant was received on 27.09.2022. It states that in dealing with previous appeals on the Site (referenced above), the Inspector noted that overspill parking for around 39 cars had already been accepted within Zone 10, as part of the approved Visitor Management Plan, under which the Site operates as per Condition 23 of the original planning permission. The approved area of overflow car parking forms part of the parcel of land subject to this application (Zones F9 & F10). It is also noted that the Inspector accepted that appropriate control over the use of the Site was achieved through the approved Visitor Management Plan and did not impose any further control over the overflow car parking area by way of any additional conditions.
- 9.30 The Applicant suggested that subject to planning permission being granted, a Condition requiring an updated Visitor Management Plan, updating details of the overflow car park, is submitted within a set timeframe of a decision being made.

*Officer assessment*

- 9.31 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.
- 9.32 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.
- 9.33 The wider Site is in use as a children’s farm, comprising a variety of buildings, structures and play equipment.

- 9.34 Officers understand that in response to the Covid-19 pandemic, Hobbledown undertook a risk assessment, which highlighted several measures that needed to be implemented to ensure that social distancing and safe operation could be adhered to. In response to this, Hobbledown allowed greater separation between car parking spaces, with visitors self-managing car parking within the approved car parking areas upon arrival at the Site. This led to the approved car park reaching capacity and an additional car park being required. Officers understand that the Applicant expects Covid-19 safety measures to be required for the foreseeable future at the Site.
- 9.35 The elements sought as part of this application are requisite and appropriate to support the existing use of the wider Site. They contribute to this community facility, which is considered positively.
- 9.36 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.
- 9.37 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 car park is at ground level and therefore there would be little obtrusive impact on openness. Furthermore, the perception would be of an open Site with a natural, undeveloped appearance. In this respect, openness would be preserved.
- 9.38 When considering the wider Site “holistically”, the elements sought as part of this application do not further erode the openness of this part of the Green Belt, given that it is already subject to built form and development and screened with hedgerows and trees, serving as natural screening.
- 9.39 The Applicant suggested that subject to planning permission being granted, a Condition requiring an updated Visitor Management Plan, updating details of the overflow car park, is submitted within a set timeframe of a decision being made.
- 9.40 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 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 therefore 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.
- 9.41 The proposal is considered to comply with Policies CS13 and DM34, enhancing the leisure offering at the wider Site.

#### Neighbour Amenity

##### *Policy*

- 9.42 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.

##### *Applicant's Planning Statement*

- 9.43 The Planning Statement accompanying this application sets out that Condition 20 was imposed in the interests of the amenity of neighbouring residential properties to the east and north of the Site.

- 9.44 The Planning Statement sets out that the operation of the Site, including car parking areas, has previously been considered acceptable in terms of potential impacts on residential amenity of nearby properties. The activities that take place on Site are not considered to result in significant intrusive noise levels.
- 9.45 The Planning Statement sets out that given the context of the Site and relationship with residential properties within the vicinity of the Site, it is considered that the proposed use of Zones F9 and F10 are unlikely to result in any significant impacts on residential amenity or the amenity of neighbouring land uses above current circumstances.
- 9.46 The Applicant suggested that subject to planning permission being granted, a Condition requiring an updated Visitor Management Plan, updating details of the overflow car park, is submitted within a set timeframe of a decision being made.

*Officer assessment*

- 9.47 The car park is at ground level and positioned away from residential properties. Therefore, it would not adversely impact neighbouring amenity in terms of loss of privacy, loss of outlook, loss of sunlight/daylight. Subject to planning permission being granted, a Condition requiring an updated Visitor Management Plan, updating details of the overflow car park, shall be submitted within a set timeframe of a decision being made.
- 9.48 The proposal is considered to comply with Policy DM10.

Ecology, Trees, and Landscaping

*Policy*

- 9.49 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.
- 9.50 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.
- 9.51 Policy DM5 sets out that landscape proposals are required for new developments, which retain existing trees and other important landscape features where practical.
- 9.52 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.
- 9.53 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.

*Consultation*

- 9.54 The Local Planning Authority's Ecologist formally commented on this application, setting out that there has been no evaluation of the ecological effect of the development. However, looking at the photographs and considering the previous land use, the Ecologist is content that the use of these areas for overflow car parking will not have any negative effects on ecology.
- 9.55 The Local Planning Authority's Tree Officer formally commented on this application, asking what control there is to prevent car parking areas taking up more of the Green Belt and proceeding without a landscaped-led design to the car parking layout, if the Condition is modified. The use of grasscrete is a fairly hard landscape element and not normally used where a soft landscape approach is desirable.
- 9.56 The Local Planning Authority's Tree Officer further commented that if there is further car parking, it would be preferable to incorporate new car park trees and hedges, to provide shade, improve the environment, help mitigate Climate Change and provide educational value to visitors.

*Officer assessment*

- 9.57 The proposal seeks to use Zones F9 & F10 for overflow car parking. This has been considered by both the Local Planning Authority's Ecology and Tree Officer. Subject to planning permission being granted, a Condition would be included to incorporate new trees and hedges into the Site, to provide shade and improve the environment. This complies with Policies DM4 and DM5.

Highways and parking

*Policy*

- 9.58 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.

*Consultation*

- 9.59 SCC Highways formally commented on this application, recommending a Condition to be attached to any planning permission granted, requiring a car parking management plan.

**10 Consultation**

- 10.1 This retrospective Section 73 planning application seeks to vary Condition 20 of planning permission ref: 11/00511/FUL, to allow for the paddock land, identified as Zones F9 and F10 on the "approved masterplan", to be accessible to the public and utilised as overflow car parking at times of peak demand.

- 10.2 In response to the Covid-19 pandemic, Hobbledown undertook a risk assessment, which highlighted several measures that needed to be implemented to ensure that social distancing and safe operation could be adhered to. Hobbledown allowed greater separation between car parking spaces, with visitors self-managing car parking within the approved car parking areas upon arrival at the Site. This led to the approved car park reaching capacity and an additional car park then required. Officers understand that the Applicant expects Covid-19 safety measures to be required for the foreseeable future at the Site.
- 10.3 The wider Site comprises a variety of buildings, structures and play equipment, with no uniform design style. The overflow car park is at ground level and so there would be little obtrusive impact on openness. The perception would be of an open site with a natural, undeveloped appearance. In this respect, openness would be preserved.
- 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 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 is no need to demonstrate that Very Special Circumstances exist in order that development can be approved.
- 10.5 The proposed overflow car park is at ground level and positioned away from residential properties. Therefore, it would not adversely impact neighbouring amenity in terms of loss of privacy, loss of outlook, loss of sunlight/daylight.
- 10.6 The Applicant suggested that subject to planning permission being granted, a Condition requiring an updated Visitor Management Plan, updating details of the overflow car park, is submitted within a set timeframe of a decision being made.
- 10.7 Officers recommend approval of the application.

## 11 Recommendation

### 11.1 Grant, subject to Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of the original planning permission (11/00511/FUL)

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

2. The premises shall not be open to the public outside the hours of 09:00 and 19:00 except on a Friday and Saturday when the internal areas and external areas marked Zone E.4, Zone H, Zone I and Zone K on approved plan 6773/50 Rev H shall additionally be permitted to open until 20:00.

Reason: To safeguard the amenities of neighbouring occupiers as required by Policy DM10 of the Development Management Policies 2015.

3. No permanent public address systems, sirens, horns or klaxons shall be operated on the site at any time. Amplified sound without the use of permanent Public Address Systems is permitted outdoors for entertainment only to audiences of a maximum size of 50 people from 09:00 hours until 19:00 hours Sunday to Thursday, 09:00 hours until 20:00 hours Friday and Saturday. Amplified music is not permitted outdoors. In all cases noise levels relating to amplified sound shall not exceed 65 decibels LAeq (15 minute) at the boundary of the site at any time. For the avoidance of doubt entertainment with the use of amplified sound shall be confined to puppet shows, birds of prey displays and other similar events directly related to the permitted use as a children's farm and shall only be undertaken within the designated areas shown on Drawing No 0013-03 Rev A dated 17/06/14. Granted under 14/00145/REM, dated 28 July 2014

Reason: In the interests of the amenities of adjacent residential properties in accordance with Policy DM10 of the Development Management Policies 2015.

4. With the exception of the tractor tour to be retained on site, no mechanical or fairground rides shall be installed or operated on the site at any time unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the locality in accordance with Policy DM10 of the Development Management Policies 2015

5. The materials to be used on the external faces of the play equipment shall be timber and natural rope and netting with the exception of three stainless steel slides and the steel framework for the spiral climbing net in Play Zone A as shown on drawings 6773/40 Rev D, 6773/41 Rev D and 6773/42 Rev D

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

6. No part of the timber play structures shall exceed a height of 7 metres above the existing ground level with the exception of the turret housing the zip wire launch platform, which shall not exceed a height of 9.5 metres above existing ground level

Reason: To ensure that the proposed development is of an appropriate height having regard to the height of screening landscaping as required by Policy CS5 of the Core Strategy (2007) and Policies DM5 and DM9 of the Development Management Policies 2015

7. Detailed drawings of a hard and soft landscaping scheme for the planting of trees and shrubs (showing areas to be grass-seeded or turfed and detailing the means of marking out the parking bays within the car park and any new means of enclosure) shall be submitted to and approved in writing by the Local Planning Authority. The soft landscaping shall include additional screen planting within the car park, along Horton Lane and adjacent to Play Zone A and the planting of field trees within the grazing fields and animal enclosures. All landscaping, in accordance with the approved landscaping scheme, shall be carried out within the first planting and seeding season following completion of the development and shall be maintained to the satisfaction of the Local Planning Authority for a period of five years, such maintenance to include the replacement of any plants which die or become damaged during this period

Reason: To ensure the provision and maintenance of landscaping, in the interests of visual amenity as required by Policy CS5 of the Core Strategy (2007) and Policies DM5 and DM9 of the Development Management Policies 2015.

8. Other than those trees detailed for removal in the Arboricultural Report (dated 28 July 2011), no trees shall be lopped, topped or felled without the prior written consent of the Local Planning Authority.

Reason: The existing trees represent an important visual amenity which should be substantially maintained as required by Policy CS5 of the Core Strategy (2007) and Policies DM5 and DM9 of the Development Management Policies 2015.

9. Tree protection measures shall be carried out in strict accordance with the Arboricultural Report and Tree Protection Plan dated 28 July 2011.

Reason: To enable the Local Planning Authority to ensure the retention of trees on the site, protected from damage in the interests of visual amenity as required by Policy CS5 of the Core Strategy (2007) and Policies DM5 and DM9 of the Development Management Policies 2015.

10. The measures to improve the biodiversity of the site as set out in the Ecological Appraisal (dated August 2011) shall be carried out within a period of twelve months from the date on which the development of the site is commenced or within an alternative timescale to be agreed in writing by the



Local Planning Authority in accordance with the Ecological Appraisal recommendations and thereafter shall be managed and maintained in accordance with the Ecological Appraisal. These works shall include, but are not limited to, the installation of bat and bird boxes, the provision of habitat piles, creation of permanent wetland habitats and grassland field management.

Reason: To improve the biodiversity of the site in accordance with Policy CS3 of the Core Strategy (2007) and Policy DM4 of the Development Management Policies 2015

11. Development shall not commence on site until full details of the sustainable drainage have been submitted to and approved in writing by the Local Planning Authority. The details shall include infiltrations rates into the underlying clay strata and climate change allowance as requested by the Environment Agency in their letter dated 20 September 2011. Thereafter, the sustainable drainage shall be carried out in accordance with the approved details and shall be so maintained.

Reason: To reduce surface water run-off from the site in accordance with Policy CS6 of the Epsom and Ewell Core Strategy (2007) and Policy DM19 of the Development Management Policies 2015.

12. No new development shall be brought in to use until space has been laid out within the site in accordance with the approved plans for a maximum of 350 cars to be parked and for the loading and unloading of delivery vehicles and for vehicles to turn so that they may enter and leave the site in a forward gear. The parking and turning areas shall be used and retained exclusively for their designated purpose

Reason: The above condition is required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policy CS16 of the Epsom and Ewell Core Strategy (2007) and Policies DM36 and DM37 of the Development Management Policies 2015

13. The Development shall be carried out in accordance with the Travel Plan, approved under 11/01328/COND, dated 28 June 2012, and thereafter maintained

Reason: In accordance with Policy CS16 of the Epsom and Ewell Core Strategy (2007) and Policies DM36 and DM37 of the Development Management Policies 2015

14. The vehicular access from McKenzie Way shall not at any time be used by customers of the children's farm and shall be solely used for deliveries and staff movements associated with the safe and efficient operation of the site

Reason: To ensure that the development does not prejudice the free flow of traffic and conditions of safety on the highway or cause inconvenience to other highway users as required by Policy CS16 of the Epsom and Ewell Core Strategy (2007) and Policies DM36 and DM37 of the Development Management Policies 2015

15. All external fascias, materials, treatments and finishes of the proposed barn extension shall match those of the existing building to the satisfaction of the Local Planning Authority and the treatment and/or finishes of the external surfaces shall be carried out within a period of three months from the date of occupation of the development.

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

16. The development shall be carried out in accordance with the documentation relating to building/engineering operations, approved under 11/01328/COND, dated 28 June 2012

Reason: To ensure that the development does not prejudice the free flow of traffic and conditions of safety on the highway or cause inconvenience to other highway users as required by Policy CS16 of the Epsom and Ewell Core Strategy (2007) and Policies DM36 and DM37 of the Development Management Policies 2015

17. The development hereby permitted shall accord with the sustainability measures approved under 11/01328/COND, dated 28 June 2012. The development shall be carried out in strict accordance with the approved details.

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 and to comply with Policy CS6 of the Core Strategy (2007)

18. No construction work shall be carried out in such a manner as to be audible at the site boundary before 07:30 hours on Monday to Friday or after 18:30 hours on Monday to Friday, no construction work shall be audible at the site boundary before 08:00 and after 13:00 hours on Saturdays and no construction work of any nature shall be carried out on Sundays or Bank Holidays or Public Holidays.

Reason: To ensure that the proposed development does not prejudice the enjoyment of neighbouring occupiers of their properties as required by Policy DM10 of the Development Management Policies 2015.

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 I 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 Policy CS2 of the Core Strategy (2007) and Policy DM10 of the Development Management Policies 2015

20. The fields marked F. 1 to 4 inclusive, F. 6 and F. 8 on approved plan 6773/50 Rev H shall be 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 Policy CS2 of the Core Strategy (2007) and Policy DM10 of the Development Management Policies 2015

21. The animal shelters shown in Zones F. 1 to 10 inclusive on approved plan 6773/50 Rev H shall be used solely for the keeping of animals and shall be removed when no longer required for that purpose

Reason: In the interests of the visual amenity of the Green Belt and the amenity of neighbouring residential properties as required by Policy CS2 of the Core Strategy (2007) and Policy DM10 of the Development Management Policies 2015

22. Details of the siting and design of cycle parking are approved under 11/01328/COND, dated 28 June 2012.

Reason: To encourage travel to and from the site by bicycle in accordance with Policy CS16 of the Core Strategy (2007)

23. A Visitor Management Plan is approved under 11/01328/COND, dated 28 June 2012. The Visitor Management Plan shall be updated, to control visitor numbers within the approved car park and overflow car park. This shall be submitted and approved by the Local Planning Authority by 06 January 2023.

Reason: In the interests of the amenities of neighbouring residential properties and to ensure the development does not prejudice the free and safe flow of traffic, in accordance with Policy CS16 of the Epsom and Ewell Core Strategy (2007) and Policies DM10, DM36 and DM37 of the Development Management Policies (2015)

Reason: In the interests of the amenities of neighbouring residential properties and to ensure the development does not prejudice the free and safe flow of traffic, in accordance with Policy CS16 of

the Epsom and Ewell Core Strategy (2007) and Policies DM10, DM36 and DM37 of the Development Management Policies (2015)

24. The development hereby permitted shall be carried out in accordance with the following approved documents: 6773/40 Rev D, 6773/41 Rev D, 6773/2 Rev D, 6773/43 Rev C, 6773/48 Rev C, 6773/49 Rev D, 6773/50 Rev H, 6773/51 Rev D, 6773/71 Rev D, 6773/72 Rev F, 6773/73 Rev E, 6773/75 Rev D, 6773/76 Rev B, 6773/77 Rev B, 6773/78 Rev F, 6773/79 Rev A, Design and Access Statement (July 2011), Planning Statement (August 2011), Surface Water Drainage and Flood Risk Assessment (July 2011), Highway Statement (July 2011), Ecological Appraisal (August 2011), Landscape and Visual Assessment (August 2011) and Arboricultural Report (28 July 2011)

11 47/ 101L (07/01/12) and 11 47/ 102F (18/01/12), approved under 11/01394/NMA, dated 1 June 2012

188/3.021 Rev. 03, under 22/00013/REM

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).

25. The proposed parking restrictions and the associated Traffic Regulation Order shall be designed and implemented on McKenzie Way in the vicinity of the Site, including in between the proposed access and egress points, at the Applicant's expense, in accordance with a scheme to be submitted to and approved in writing by the County Highway Authority

Reason: in order that the development should not prejudice highway safety nor cause inconvenience to other highway users

26. Full details, of both hard and soft landscape proposals relating to the overspill car park, including a schedule of landscape maintenance for a minimum period of 5 years, shall be submitted to and approved in writing by the local planning authority. The approved landscape scheme (with the exception of planting, seeding and turfing) shall be implemented and thereafter retained

Reason: To ensure the provision, establishment and maintenance of an appropriate landscape scheme in the interests of the visual amenities of the locality in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM5 and DM9 of the Development Management Policies 2015

27. Notwithstanding the submitted plans, the development hereby approved shall not be utilised unless and until a detailed Car parking management plan has been submitted to and approved in writing by the Local Planning Authority. Details of the car parking management plan should include as a minimum:

- Details on the number of proposed overflow car parking spaces
- Formalised car parking bays (minimum dimension to be 2.4m by 4.8m)
- Surface material for overflow car parking area, noting that the fields are unlikely to be usable during wet weather.
- Use of marshals to direct traffic
- Cut off point for when the overflow car parking area will be used
- Anticipated use of the overflow car parking area
- Layout and use of the parking spaces to prevent queuing (resulting in blockages on highway network) and conflict between vehicles

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users, to meet the objectives of the NPPF (2021) and to satisfy Policies DM 35, DM 36 and DM 37 of the Development Management Policies Document (2015)

29. The existing access onto McKenzie Way shall be modified in accordance with drawing ref: 188-3.011 Rev. 02 of planning application ref: 22/00010/FUL and shall be modified within six months of planning application ref: 22/00010/FUL and 22/00013/REM being granted planning permission

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users, to meet the objectives of the NPPF (2021) and to satisfy Policies DM 35, DM 36 and DM 37 of the Development Management Policies Document (2015)

Appeal A – Ref: APP/P3610/W/14/3000847

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with drawing no 0017-02.
3. The car park hereby permitted shall be surfaced in accordance with the details shown on drawing no 0017-02 and shall be grassed or shall be surfaced in accordance with details submitted to and approved in writing by the local planning authority prior to installation. The surfacing shall be retained as approved.
4. No development shall take place until a landscaping scheme has been submitted to and approved in writing by the local planning authority. This shall include a schedule of the species and sizes of trees to be planted, a ground preparation specification and details of aftercare maintenance. The approved landscaping shall be implemented before the use of the car park hereby permitted commences and shall be maintained in accordance with the approved details. Any trees that are removed, uprooted, destroyed or die or become seriously damaged or defective within 5 years of planting shall be replaced at the same place by another tree of the same species and size as that originally planted unless the local planning authority gives its written approval to any variation

Appeal B - Ref: APP/P3610/W/14/3000633

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 other than that part of Zone F.7 shown as a car park extension on drawing no 0017-02 accompanying planning permission Ref 14/00144/FUL (Appeal Ref: APP/P3610/W/14/3000847).

### **Informatives**

1. Details of the highway requirements necessary for the inclusion in any application seeking approval of reserved matters may be obtained from the Transportation Development Control Division of Surrey County Council
2. A standard fee may be charged for input to and future monitoring of any travel plan
3. Any unilateral undertaking shall be in accordance with Surrey County Council's standard format
4. The developer would be expected to instruct an independent transportation data collection company to undertake the monitoring survey. This survey must conform to a TRICS Multi-Modal Survey format consistent with the UK Standard for Measuring Travel Plan Impacts as approved by the Highway Authority. To ensure that the survey represents typical travel patterns, the organisation taking ownership of the travel plan will need to agree to being surveyed only within a specified annual quarter period but with no further notice of the precise survey dates. The developer would be expected to fund survey validation and data entry costs.
5. Animal displays should be solely for educational purposes.
6. 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)
7. 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

06 October 2022

22/00011/REM

pass on the cost of any excess repairs compared to normal maintenance costs to the applicant/organisation responsible for the damage