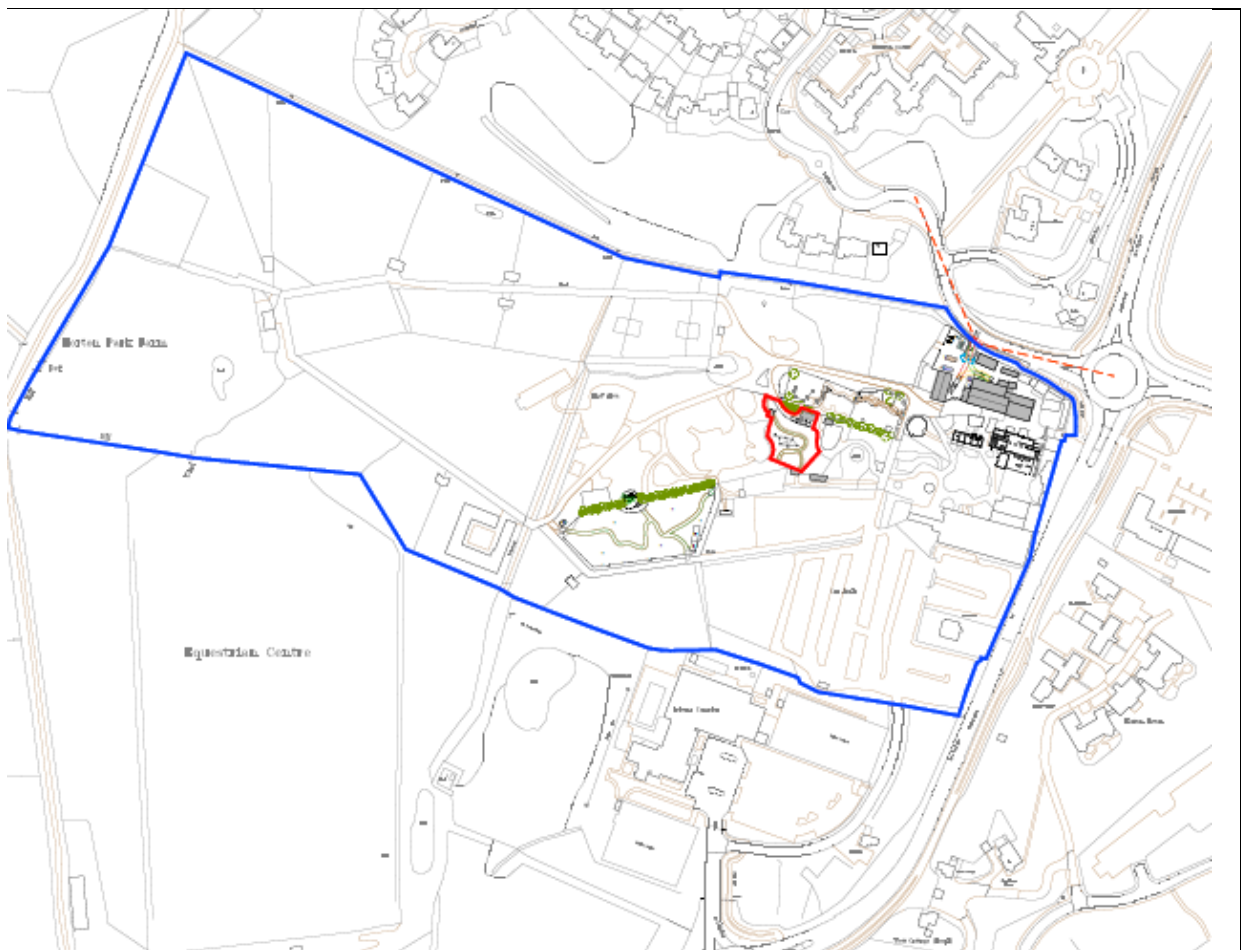


Planning Committee  
08 February 2024

Planning Application  
Number: 23/01343/FUL

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

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



## SUMMARY

### 1. Summary and Recommendation

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

## PROPOSAL

### 2. Description of Proposal

- 2.1. The proposal involves the erection of a Lemur enclosure, including:
- Mix of post and electric wire and timber post fencing with timber gates around the perimeter and to a height of 2.5-4m
  - Timber post structure, infilled with protective netting and controlled metal access gate (445cm in width, 290cm in depth and 240cm in height)
  - Paths through the site for visitors
  - Seven timber posts to 6m height with connecting ropes
  - 37m<sup>2</sup> timber animal shelter

### 3. Key Information

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

## SITE

### 4. Description

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

### 5. Constraints

- Green Belt
- Great Crest Newt Impact Zone.

### 6. History

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

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

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

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

**CONSULTATIONS**

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

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

## PLANNING LEGISLATION, POLICY, AND GUIDANCE

### 7. Legislation and Regulations

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

### 8. Planning Policy

#### 8.1. National Planning Policy Framework 2023 (NPPF)

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

**8.2. Epsom and Ewell Core Strategy 2007 (CS)**

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

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

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

**9. Supporting Guidance**

**9.1. National Planning Policy Guidance (NPPG)**

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

**PLANNING ASSESSMENT**

**10. Principle of Development: Green Belt and Community Facilities**

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

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

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



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

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

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

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



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

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

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

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

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

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

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

#### **10.17. Community Facilities**

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

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

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

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

## **11. Design, character, and impact upon the landscape**

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

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

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

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

- Mix of post and electric wire and timber post fencing with timber gates around the perimeter and to a height of 2.5-4m
- Paths through the site for visitors
- Seven timber posts to 6m height with connecting ropes
- 37m<sup>2</sup> timber animal shelter
- Timber post structure, infilled with protective netting and controlled metal access gate (445cm in width, 290cm in depth and 240cm in height)

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

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

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

## **12. Trees**

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

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

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

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

### **13. Ecology and Biodiversity**

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

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

#### **14. Neighbour Amenity**

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

14.4. The proposal accords with Policies CS5 and DM10.

## **15. Transport and car parking**

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

## **16. Flooding and Drainage**

- 16.1. Paragraphs 159 and 167 of the NPPF, Policy CS6 of the CS and Policy DM19 of the DMPD state that development at medium or high risk from flooding must ensure that there is no increase in flood risk, whether on or off site, and implementation of flood resilience and mitigation to reduce it to acceptable levels.
- 16.2. The site is within Flood Zone 1, but not within a Critical Drainage Area.
- 16.3. The application is supported by a Flood Risk Assessment, provided by the Applicant, which clarifies that the Site is within Flood Zone 1 and at low risk of surface water flooding. The area of hardstanding within the Lemur enclosure measures approximately 37.24m<sup>2</sup>. The development is safe, without increasing flood risk elsewhere, and has an insignificant impact on the runoff regime.
- 16.4. Surrey County Council Lead Local Flood Authority reviewed the documentation and raises no objection, but recommends a Condition, should planning permission be granted, to ensure that the development accords with approved documents, including the Flood Risk Assessment, and is maintained afterwards.



16.5. The proposal accords with Policies CS6 and DM19.

## **17. Sustainability**

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

## **18. Accessibility and Equality**

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

## **19. Refuse and Recycling Facilities**

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

## **20. Planning Obligations and Community Infrastructure Levy**

- 20.1. The Community Infrastructure Levy Charging Schedule 2014 indicates that the application is liable for CIL payments but given the recreational use and as the floorspace is less than 100m<sup>2</sup>, is not chargeable.

## **CONCLUSION**

## **21. Planning Balance**

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

- 21.3. This proposal improves the community facilities offered at the wider Hobbledown site, engaging children with the outdoors, offering play equipment and educational learning too. Hobbledown provides local employment opportunities, and its expansion enables the business to continue to prosper. The development represents a sustainable form of development, and this weighs positively within the planning balance.
- 21.4. The materials used in the construction of the Lemur enclosure are in keeping with existing materials used within the wider Hobbledown site and sustain its rural character. Given the context of the Site, views of the development are broadly restricted to localised views from within the wider Hobbledown site itself and some views experienced from the Public Right of Way. It would not impact the nearby Conservation Areas of Long Grove or Horton, as it is sufficiently removed from these.
- 21.5. The development required the pruning and partial removal of a previous hedgerow, classed as Category C, meaning it was not a constraint upon construction. This was reduced to a row of 0.5m high coppice stumps. The coppiced stumps have plenty of regrowth and are being managed. Where visitors walk through the walkway within the enclosure, future soil compaction should not impact upon the roots of the hedgerow.
- 21.6. Conditions 8 and 9 of the original planning permission are realised, but an Applicant can apply for full planning permission for an additional form of development on the Site. The removal of the hedgerow weighs negatively within the planning balance, but it was classed as Category C and the stumps have regrowth opportunity and are being managed. It is also unfortunate that the hedgerow may have had ecological value. The loss of habitat weighs negatively within the planning balance.
- 21.7. The Site is positioned within the wider Hobbledown Site, with no residential properties within the immediate vicinity that would be impacted by the proposal. The nearest residential properties are located at McKenzie Way, which is approximately 80 metres north of the Site. There are animal enclosures, trees, and hedgerows within the intervening land.
- 21.8. The application is supported by a Flood Risk Assessment, which clarifies that the Site is within Flood Zone 1 and at low risk of surface water flooding. The area of hardstanding within the Lemur enclosure measures approximately 37.24m<sup>2</sup>. The development is safe, without increasing flood risk elsewhere, and has an insignificant impact on the runoff regime.
- 21.9. Overall, the benefits of the proposal, including engaging children with the outdoors, offering play equipment, educational learning, providing local employment opportunities, enabling a local business to prosper, outweighs the negatives, which includes the removal of a poor-quality hedgerow, which may have had ecological value.

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

## RECOMMENDATION

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

### **Conditions**

#### **1) Approved Plans**

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

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

#### **2) Compliance with Flood Risk Assessment**

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

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

#### **3) Biodiversity enhancement measures**

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

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

### **Informatives**

#### **1) Positive and Proactive Discussion**

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

## **2) Changes to the Approved Plans**

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