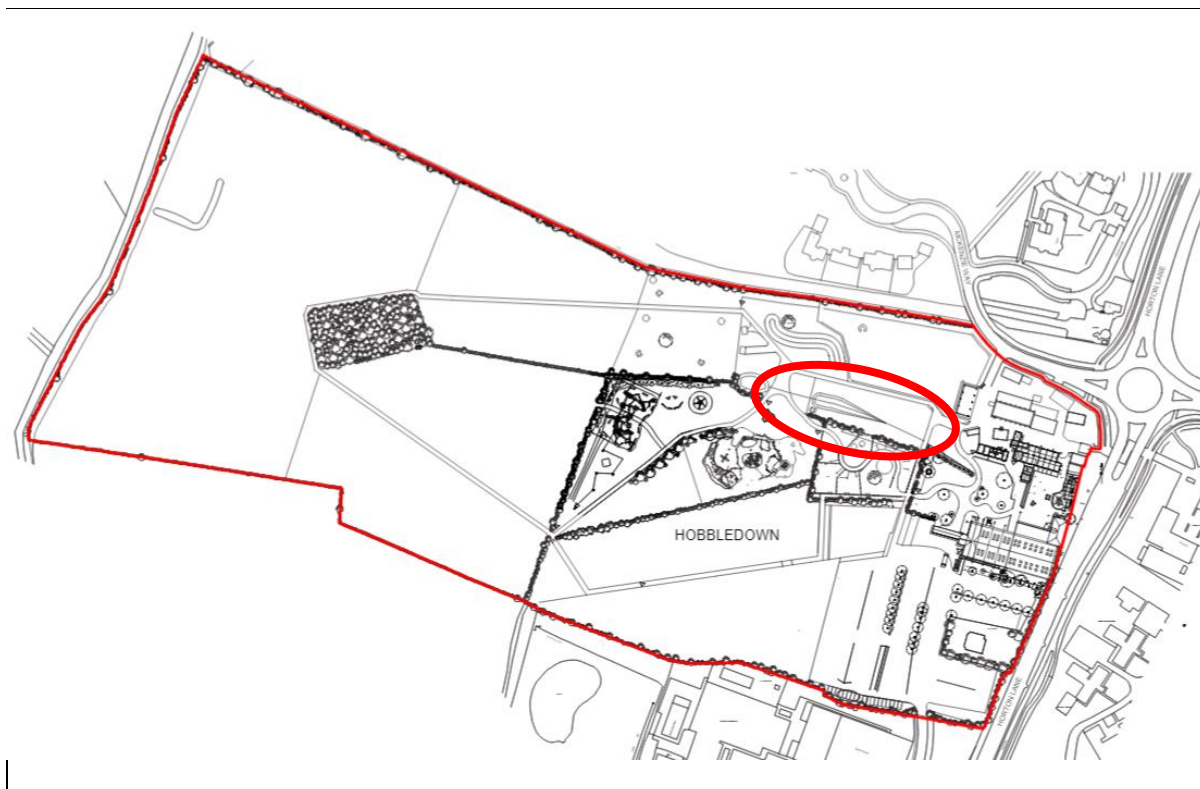


24/00025/REM: Hobbledown, Horton Lane, Epsom, Surrey, KT19 8PT

Application Number	24/00025/REM
Application Type	Full Planning Permission (Major)
Address	Hobbledown, Horton Lane, Epsom KT19 8PT
Ward	Horton Ward
Proposal	Variation of Condition 20 (Field Restrictions) and Condition 24 (Drawings) of Planning Permission 11/00511/FUL, as amended by Planning Permission ref: 24/00024/REM, to allow Zone F1 of the approved Masterplan to be accessed by the public for the purposes of an animal walkthrough area, with associated ancillary development including footpath, timber structures and wash stations (retrospective)
Expiry Date	19 April 2024
Recommendation	Approval, subject to conditions and informatives
Reason for Committee	Called in by Member of the Council
Case Officer	Ginny Palmer
Contact Officer	Simon Taylor, Interim Manager
Plans, Documents and Submissions	Available here: Hobbledown
Glossary	Available here: Glossary of Terms



SUMMARY

1. Summary and Recommendation

- 1.1. This Section 73 Planning Application has been called-in by a Councillor for the following reasons:
 - Impact on the openness of the green belt
 - Neighbourhood amenity impact
- 1.2. The application relates to an area of paddock land (approximately 0.2Ha in area) used for the keeping of animals (goats, rabbits and guinea pigs), identified as Zone F1 on the approved Masterplan of Planning Permission ref: 11/00511/FUL (as amended by five subsequent section 73 variations across the site).
- 1.3. A gravel footpath has been created within the paddock in Zone F1 to allow visitors to the wider Hobbleodwn site to walk through the animal enclosure. This has resulted in a breach of Condition 20 of 11/00511/FUL, amended most recently in 24/00024/REM. This application seeks to vary the wording of Condition 20, removing any reference to Zone F1 within the Condition wording, to allow for public access through this zone.
- 1.4. This application also seeks planning permission for associated ancillary development, which includes a footpath, timber structures and wash stations.
- 1.5. The proposal would not change the lawful use of the wider Hobbledown site, or the nature of the use. The proposal would not constitute inappropriate development within the Green Belt, it would not impact on the openness, character or visual amenity of the Green Belt, it would not adversely impact neighbouring amenities and it would not unacceptably increase flood risk on or off the Site.
- 1.6. This Report reviews relevant planning considerations relating to this planning application only. It does not seek to review all material considerations considered under the original Planning Application (ref: 11/00511/FUL) or subsequent Sections 73 planning applications.
- 1.7. Officers recommend approval of this application.

PROPOSAL

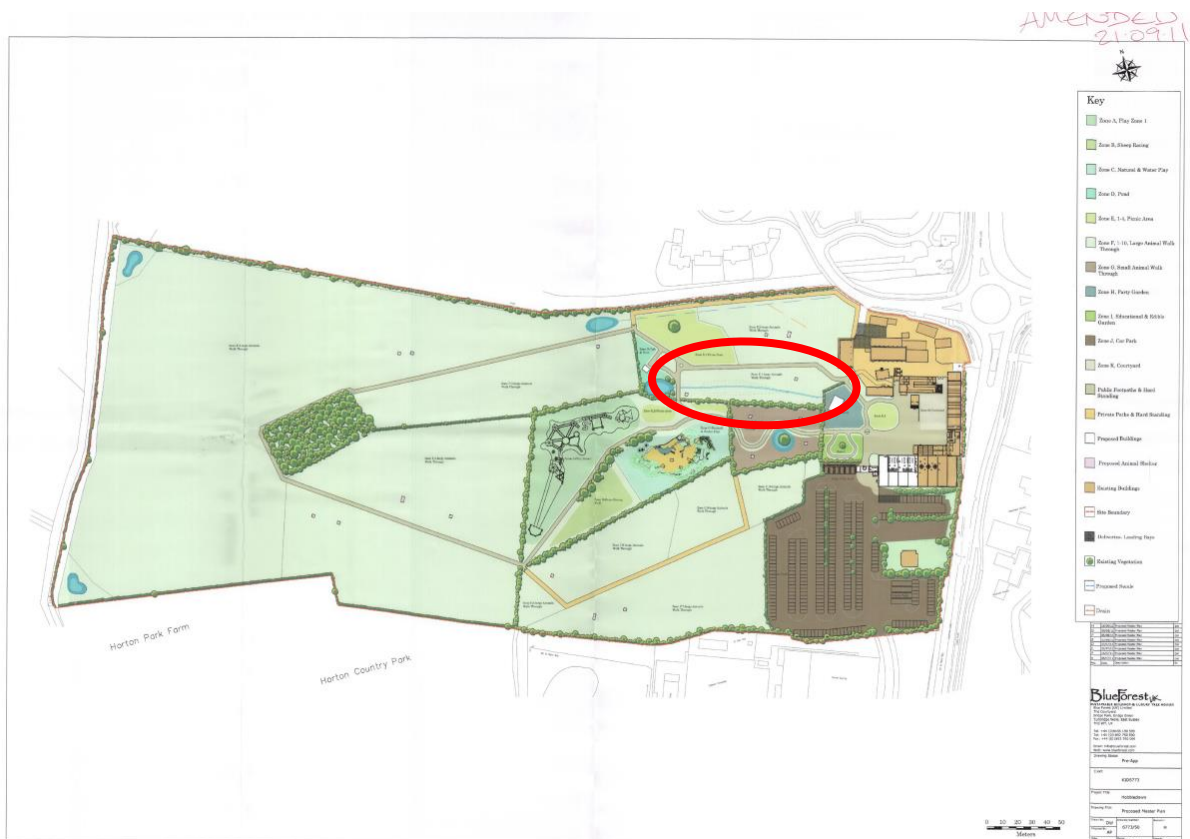
2. Description of Proposal

- 2.1. Condition 20 of Planning Permission ref: 11/00511/FUL initially read as follows:

“The fields marked F. 1 to 4 inclusive and F. 6 to 10 inclusive 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 Policies DC1, GB1 and GB3 of the Local Plan (200) and Policy CS2 of the Core Strategy (2007)”

- 2.2. Condition 24 of Planning Permission ref: 11/00511/FUL refers to approved drawings and documents.
- 2.3. The Planning Permission included an approved Masterplan, ref: 6773/50 Rev H, which set out and controlled uses of specific areas across the wider Hobbledown site. The 2011 Masterplan approved layout indicated that much of the wider site (known as Zones F1 to 10) would be occupied by animal walkthrough areas. In turn, Condition 20 attached to the Planning Permission stated that Zones F1 – 4 inclusive and Zone F6 to 10 may only be used for the keeping of animals and not at any time accessible to the public. Zone 1 is shown in the plan below.



- 2.4. Subsequent planning permissions in 2015 (ref: 14/00146/REM), 2023 (ref: 22/00011/REM) and 2024 (ref: 24/00024/REM) varied Condition 20 to the effect that allows public access to Zones F7, F9 and F10, allows use of these areas for parking provision associated with the wider use of the

Hobbledown site and for service yard use in Zone F2. The revised condition 20, as it is most recently amended, now reads:

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, other than that part of F.2, as specified on drawing ref: 009 - Service Yard (2) - dated Nov 23 (but remains inaccessible to the public), and that part of Zone F.7 shown as a car park extension on drawing ref: 0017-02 accompanying planning permission ref: 14/00144/FUL (Appeal ref: APP/P3610/W/14/3000847).

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.

- 2.5. The creation of a footpath through Zone F1 has resulted in a breach of Condition 20 of Planning Permission ref: 11/00511/FUL as it will be accessible to the public. This application therefore seeks to vary the wording of Condition 20 of Planning Permission ref: 11/00511/FUL, removing any reference to Zone F1 within the Condition wording, to allow for public access through this zone.
- 2.6. This application also seeks planning permission for associated ancillary development, which includes a footpath, timber structures (including a two timber entrance enclosure and climbing structures) and wash stations. Hutches and signage structures would not be development within the scope of s55 of the Town and Country Planning Act 1990 and do not form part of this application.

SITE

3. Description

- 3.1. This application relates to an area of paddock land, which measures approximately 0.2Ha, authorised for the keeping of animals, identified as Zone F1 on the Masterplan approved under Planning Permission ref: 11/00511/FUL. A gravel footpath has been created within the paddock, to allow visitors of the wider Hobbledown site to walk through the animal enclosure.

4. Constraints

- Green Belt
- Flood Zone 1

5. History

- 5.1. The wider Hobbledown site is subject to an extensive planning history:

Application	Description of Development	Decision
24/00026/REM	Variation of Condition 20 (Field Restrictions) of Planning Permission 11/00511/FUL, as amended by Planning Permission ref: 22/00011/REM, to allow Zone F8 of the approved Masterplan to be accessed by the public for the purposes of an animal walkthrough area, with associated ancillary development including footpath and timber wash stations (retrospective)	Pending (at Planning Committee)
23/01349/FUL	Installation of play equipment and construction of timber covered entrance and exit ways and a buggy storage area outside the Imaginarium within Hobbledown (Retrospective)	Pending (at Planning Committee)
23/01345/FUL	Construction of Prairie Dog enclosure (Retrospective)	Pending (at Planning Committee)
23/01114/REM	Removal of Condition 25 (Parking Restrictions and TRO), Condition 28 (Modification to Existing Access) and Condition 29 (Delivery Management Plan) of 22/00013/REM	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)	Approved 8 March 2024
23/01343/FUL	Construction of a Lemur enclosure, including an entrance structure (retrospective)	Granted 9 February 2024
23/00818/FUL	Alterations to entrance facilities, including infilling walls to the front (southern) elevation, infilling two existing door opening, proposed double door to the rear (northern) elevation, proposed two windows and double doors to the front elevation, proposed serving hatch to the side (eastern) elevation and reconfiguration of internal space	Granted 7 September 2023
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 over- flow 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	Granted 31 March 2023

Application	Description of Development	Decision
	and construction of Lorikeet enclosure/structure (retrospective)	
19/01691/FUL	Development of a bird of prey shelter	Granted 10 December 2020
19/01573/REM	Amendment to play structure permitted under 17/00988/FUL to provide new smaller play structure for younger children	Granted 16 March 2020
18/00154/FUL	Erection of bird of prey shelter	Refused 03 July 2018
18/00141/FUL	Use of land for the siting of one canvas yurt and one timber clad tepee	Granted 04 July 2018
18/00044/FUL	Siting of eight animal shelters (retrospective)	Granted 15 June 2018
17/00988/FUL	Addition of timber and netting outdoor play structure	Granted 20 December 2017
14/00144/FUL	Creation of overflow car parking area and associated landscaping	Granted at appeal, 02.07.2015
14/00145/REM	Variation of Condition 3 (amplified sound) of permission 11/00511/FUL to allow the use of amplified sound without permanent Public Address Systems for children's entertainment activities within designated areas of the site subject to restrictions on audience capacity, hours of use and noise levels	Granted 28 July 2014
14/00146/REM	Variation of Condition 20 of 11/00511/FUL (Continued use of agricultural/educational farm as children's farm (sui generis) including extension to main barn, new entrance kiosk, replacement lean-to barn, replacement kiosk, replacement of party/school rooms, relocation of play equipment, 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

Application	Description of Development	Decision
		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

CONSULTATIONS

The application was consulted to all parties on 23 January 2024. Re-consultation took place on 7 March 2024 as the description of development of this application was amended to reflect operational development.

Consultee	Initial Response	Responses following re-consultation
Environment Agency	This application falls outside of the Environment Agency's remit, so it was no comments to make	The Environment Agency has assessed this application as having a low environmental risk. We therefore have no comments to make
SCC LLFA	As there is no change to the impermeable area due to the permeable nature of the footpaths created, it would have no further comments	No further comments
SCC Archaeology	No Archaeological Concerns	No response received
SCC Highways	The application would not have a material impact on the safety and operation of the adjoining public highway	As per original response
Newt Officer	This application is not considered to be relevant to the District Licensing Scheme	No response received

Natural England	No response received	No response received
Surrey Wildlife Trust		
The Woodland Trust		
Epsom Civic Society		
EEBC Conservation Officer		
EEBC Planning Policy		
EEBC Tree Officer		
EEBC Ecology		
EEBC Environmental Health		
Public Consultation		
in accordance with the Statement of Community Involvement 2022		
Neighbours	<p>The application was advertised by means of a site notice (form 25 January to 15 February 2024 and 7-28 March 2024) and press notice and notification to neighbouring properties (form 23 January to 13 February 2024 and 7-28 March 2024).</p> <p>Originally, two letters of representation were received from neighbours, with comments regarding the following:</p> <ul style="list-style-type: none"> • Green Belt • Noise and disturbance • The proposed field lies between two critical drainage areas, and would increase flood risk (a Condition has been recommended) <p>Two further letters of representation were received, following re-consultation, with the following comments:</p> <ul style="list-style-type: none"> • Queries regarding the Description of Development and neighbour notification • It is not appropriate or valid for additional ancillary development to be included in this application. The application should be changed to include the altering of the Condition only • Limited details submitted surrounding “ancillary development <p><u>Officer comment</u>: These matters are discussed in the body of the report.</p>	

PLANNING LEGISLATION, POLICY, AND GUIDANCE

6. Planning Policy

6.1. Planning Policy Framework 2023 (NPPF)

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

6.2. Epsom and Ewell Core Strategy 2007 (CS)

- Policy CS1: Sustainable Development
- Policy CS2: Green Belt
- Policy CS16: Managing Transport and Travel

6.3. 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 DM9: Townscape Character and Local Distinctiveness
- Policy DM10: Design Requirements for New Developments
- Policy DM19: Development and Flood Risk

7. Planning Guidance

7.1. 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

8. Principle of Development

8.1. Material Amendment

- 8.2. Paragraph 13 of the NPPG in relation to Flexible Options for Planning Permission states that “There is no statutory limit on the degree of change permissible to conditions under s73, but the change must only relate to conditions and not to the operative part of the permission.”

- 8.3. The principle of the development was established in the original permission and nothing in this application alters this conclusion.
- 8.4. The original approval involved “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)”. The Masterplan formed part of Condition 20.
- 8.5. The subject variation seeks to amend the restrictions associated with the approved Masterplan so that it can be accessed by the public for the purposes of an animal walkthrough area. This amendment is within the scope of Condition 20 of the original permission.
- 8.6. The proposal also includes associated ancillary development including footpath, timber structures and wash stations (retrospective). Within the framework of the original description and approval, which includes the keeping of animals within Zone F1, the amendments to this zone are material. There is no change to the description of the approved development and having regard to recent case law, the extent of the changes are appropriate within the scope of the s73 application.

8.7. Green Belt and Community Facilities

- 8.8. Paragraphs 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.
- 8.9. 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.
- 8.10. 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.
- 8.11. 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.

- 8.12. Paragraph 155 of the NPPF sets out that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:
- a) mineral extraction
 - b) engineering operations
 - c) local transport infrastructure which can demonstrate a requirement for a Green Belt location
 - d) the re-use of buildings provided that the buildings are of permanent and substantial construction
 - e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds)
 - f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order
- 8.13. Policy CS2 of the CS establishes that strict control will continue to be exercised over inappropriate development as defined by Government policy.
- 8.14. Policy CS13 of the CS 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.
- 8.15. Policy DM25 of the DMPD 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.
- 8.16. Policy DM34 of the DMPD 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.
- 8.17. Part of the reason attached to Condition 20 of Planning Permission ref: 11/00511/FUL was *“in the interests of the visual amenity of the Green Belt”*. It is therefore appropriate to assess how the proposed change of wording to the Condition may impact the Green Belt. Furthermore, there are concerns from neighbours that the proposal constitutes inappropriate

development within the Green Belt. This has been considered by Officers within the assessment of this planning application.

- 8.18. 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.
- 8.19. This application relates to an area of paddock land, which measures approximately 0.2Ha, authorised for the keeping of animals, identified as Zone F1 on the approved Masterplan. A gravel footpath has been created within the paddock, to allow visitors of the wider Hobbledown site to walk through the animal enclosure.
- 8.20. The Planning Statement submitted with this application sets out that boundaries of the enclosure are typically timber post and wire fencing, with timber post and rail fencing bounding the footpath route. The footpath is of permeable gravel surfacing, with timber entrance/exit gateway features, which include hand-washing facilities. An email received by the Agent on 04.04.2023, sets out that other elements subject to this application include the feeding station. For the avoidance of doubt, this application seeks approval for the timber post and wire fencing, the footpath, the timber entrance/exist gateway features, including the hand-washing facilities, climbing structures and the feeding station. These can be found on drawing ref: 011 – Goats & Rabbit Enclosure (2) – dated Nov'23, which is publicly available.
- 8.21. This is a retrospective planning application, meaning that the impacts of the ancillary development, including the footpath, timber structures and wash stations are already known.
- 8.22. 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.
- 8.23. The entrance enclosures, feeding stations, climbing structures and wash stations are considered to comply with b) of paragraph 154 of the NPPF, as they provide appropriate facilities (in connection with the existing use of land) for outdoor recreation as they are limited to the existing keeping of animals within the enclosure. These aspects of the proposal preserve the openness of the Green Belt and do not conflict with the purposes of including land within it, due to the modest height, width and mass of the structures and wash basins. The wooden structures also comprise a sensitive design and material choice, which assimilates within the wider Hobbledown site.
- 8.24. 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 belong as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it...”

- 8.25. 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.
- 8.26. The additional paths comply with b) of paragraph 155 of the NPPF, as these constitute engineering operations. In this case, the paths do not adversely impact the openness of the Green Belt due to being minor in scale and form, comprising sensitive design and materials, being well contained within the wider Hobbledown Site and extending existing access paths. This has been the considered approach in previous planning applications on the wider Hobbledown site.
- 8.27. The creation of the paths has also improved public accessibility within the wider Hobbledown site. 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.
- 8.28. The variation to Condition 20 would allow movement of visitors within Zone F1. There is no development associated with this change but it results in congregation of people in an area that there is currently no permission for this to occur. By extension, there would be a degree of harm to the openness of the Green Belt. However, again, it would not conflict with, or have a materially greater impact on, the openness of the Green Belt, or the purposes of including land within it because visitors are already allowed in various other areas of the Hobbledown site, including those areas that are further removed from the main precinct of development. By extension, the variation to Condition 20 does not constitute inappropriate development in the Green Belt and the principle of the proposal is accepted. This has been the considered approach in the variation to Condition 20 in previous variation applications.

8.29. Overall, the proposal preserves 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. The proposal complies with b) of paragraph 143 of the NPPF and b) of paragraph 155 of the NPPF, and Policies CS13 and DM25 and the principle of development is accepted.

9. Design and Character

- 9.1. Paragraphs 129, 135 and 139 of the NPPF 2023 refer to the need for functional and visually attractive development that is sympathetic to local character and history. Paragraph 180 of the NPPF 2023 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.'
- 9.2. 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.
- 9.3. 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.
- 9.4. As advanced in the consideration of the proposal against Green Belt policy, the proposed structures and paths are modest elements with sympathetic materials that complement the existing timber fencing and wider surrounds. The materials used 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).
- 9.5. There are no adverse character impacts and no objection is raised.

10. Neighbour Amenity

- 10.1. 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 seeks to mitigate and reduce noise impacts.

10.2. Part of the “reason attached to Condition 20 of Planning Permission ref: 11/00511/FUL was “in the interests of the amenity of neighbouring residential properties”. It is therefore appropriate to assess how the proposed change of wording to the Condition may impact neighbouring amenity.

10.3. This is a retrospective planning application, meaning that the impacts of the use of the gravel footpath are already known. The use of this by visitors would generate some noise, but the paths and washbasins are sufficiently separated from residential properties that the noise generated is not considered to adversely impact neighbouring amenity in terms of noise or disturbance, even when considered as part of the wider Hobbledown site.

10.4. The proposal complies with Policy DM10.

11. Flooding and Drainage

11.1. The Council expects development to reduce the volume and rate of surface water run-off through the incorporation of appropriately designed Sustainable Drainage Systems (SUDS) at a level appropriate to the scale and type of development.

11.2. Policy DM19 of the DMPD sets out that development within Flood Risk Zones 2 and 3 or on sites of 1ha or greater in Zone 1 and sites at medium or high risk from other sources of flooding as identified by the Borough Council's SFRA, will not be supported unless:

- In fluvial flood risk areas, the sequential and exception tests have been applied and passed and it is a form of development compatible with the level of risk; and
- For all sources of risk, it can be demonstrated through a site FRA that the proposal would, where practicable, reduce risk both to and from the development or at least be risk neutral; and
- Where risks are identified through an FRA, flood resilient and resistant design and appropriate mitigation and adaptation can be implemented so that the level of risk is reduced to acceptable levels.

11.3. The Site is within Flood Zone 1 (low probability of flooding) and is not within a Critical Drainage Area.

11.4. The reason for Condition 20 does not relate to flood risk, but nonetheless, it is reviewed as part of this assessment, given that concerns have been raised by neighbours that the proposal may exacerbate flood risk on and off site and because timber structures form part of the proposal.

11.5. A revised Condition wording was recommended within a representation, to ensure that the gravel surfacing does not exceed 10% of the area of the

field to form public walkways, to ensure that the surfacing does not increase the susceptibility of any part of the Site to surface water flooding, or increased flood risk elsewhere. It also suggests that the hand washing systems would be removed when no longer required for that purpose.

11.6. A Flood Risk Assessment accompanies this application, submitted by the Applicant, dated August 2023. It sets out that the Site is located within Flood Zone 1 and at low risk of surface water flooding. There would be minimal impact to the surface water run-off regime on areas of “hardstanding”, and as such would pass to the ground in a similar manner to the baseline situation. Overall, the development would be safe, without increasing flood risk elsewhere.

11.7. The Planning Statement submitted with this application sets out that the Site is at very low risk from flooding from “rivers and the sea” and “surface water”. Flooding from reservoirs and groundwater is unlikely in this area. Given the nature and scale of the development, it is unlikely to be affected by flooding or exacerbate flood-risk elsewhere. Aside from the small hand washing stations at the entrance and exit to the walkways, Zone F1 is predominantly open areas of land, including landscapes areas and permeable gravel pathways. Rainwater is left to naturally percolate to the ground as previously has been the case prior to development taking place, embracing the principles of SUDs.

11.8. The Environment Agency were formally consulted on this application the response sets out that “*we have no comments to make on this planning application as it falls outside our remit as a statutory planning consultee*”. In its second response, it sets out that it assessed this planning application as having a low environmental risk. Therefore, it has no comments to make.

11.9. SCC Lead Local Flood Authority (LLFA) was formally consulted on this application. The response sets out that “*as there is no change to the impermeable area due to the permeable nature of the footpaths created, it would have no further comments*”. In its second response, it sets out that there are no further comments.

11.10. Given the submission of a Flood Risk Assessment with the application, the Planning Statement, and lack of objection from the Environment Agency and SCC LLFA, Officers are satisfied that the Condition proposed by the nearby resident is not required, and that the proposal complies with Policy DM19. There is no need or justification for the imposition of any flooding or drainage conditions.

12. Trees and Landscaping

12.1. The proposal would not affect existing trees and no objection is raised.

13. Ecology and Biodiversity

13.1. The proposal would not affect existing biodiversity features and no objection is raised.

14. Parking, Traffic and Access

14.1. The proposal would not affect existing parking and access arrangements.

15. Accessibility and Equality

15.1. 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 significant adverse impacts as a result of the development. If anything, the extensions to the pathways improves accessibility through the site which is supported.

16. Other considerations

16.1. This Report reviews relevant planning considerations relating to this planning application only. It does not seek to review all material considerations considered under the original Planning Application (ref: 11/00511/FUL) or subsequent Sections 73 planning applications. Conditions 20 and 24 of the recommendation are also determinative of the pending decision in 24/00025/REM.

CONCLUSION

17. Planning Balance

- 17.1. The proposed variation to Condition 20 of planning permission ref: 11/00511/FUL, to allow public access to Zone F1 is considered to result in development that would remain compliant with the Statutory Development Plan and other material considerations, including the NPPF.
- 17.2. The proposal would not change the lawful use of the wider Hobbledown site, or the nature of the use of this. The proposal would not constitute inappropriate development within the Green Belt, it would not impact on the openness, character or visual amenity of the Green Belt, it would not adversely impact neighbouring amenities and it would not increase flood risk on or off the Site.
- 17.3. Condition 20 shall be amended accordingly, which is consistent with previous variations to allow access to Zones F7, F9 and F10. Condition 24 is also amended, to reflect drawings submitted with this application.

RECOMMENDATION

To grant planning permission subject to the following conditions and informatives (with modifications to Conditions 20 and 24):

1. Timescale

The development hereby permitted was required to begin before the expiration of three years from the date of the original planning permission (11/00511/FUL) (This Condition has been complied with).

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. Hours of Operation

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. Public Address System

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. Fairground rides

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. Materials of Play equipment

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. Height of Play Equipment

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. Hard and Soft Landscaping

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. No Removal of Trees

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. Compliance with Arboricultural Report and Tree Protection Plan

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. Biodiversity Enhancements

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. Sustainable Drainage

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. Car Parking

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. Travel Plan

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. Access via McKenzie Way

The vehicular access from McKenzie Way shall not at any time be used by customers of the Site 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. Materials of Barn Extension

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. Building and Engineering Operations

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. Sustainability Measures

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. Construction Hours

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. Zones – Play Activities and Equipment

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. Zones – Public Access

The fields marked F2, F3, F4, F6 and F8 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, other than that part of F.2, as specified on drawing ref: 009 – Service Yard (2) – dated Nov 23 (but remains inaccessible to the public), and that part of Zone F.7 shown as a car park extension on drawing ref: 0017-02 accompanying planning permission ref: 14/00144/FUL (Appeal ref: APP/P3610/W/14/3000847)

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. Zones – Animal Shelters

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. Cycle Parking

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. Visitor Management Plan

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, approved under ref: 22/00011/REM.

The overflow car park, approved under ref: 22/00011/REM, shall be used once car parking is at capacity. The updated Visitor Management Plan shall be submitted to and approved by the Local Planning Authority. It should set out anticipated dates when the car park reaches capacity and detail dates when the overflow car park can be used. The number of days shall not exceed 50 of each calendar year.

The Visitor Management Plan shall be submitted to and approved by the Local Planning Authority prior to use of the relevant area.

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. Approved Plans

The development hereby permitted is to be 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)
- as amended by 11 47/ 101L (07/01/12) and 11 47/ 102F (18/01/12), approved under 11/01394/NMA, dated 1 June 2012
- as amended by 188/3.021 Rev. 03, approved under 22/00013/REM,

- as amended by 009 – Service Yard (2) (dated Nov'23, approved under 24/00024/REM,
- and as amended by 011 – Goats & Rabbit Enclosure (2) – dated Nov'23

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. Deliveries

Condition 25 of Planning Permission ref: 22/00013/REM sets out that Deliveries to the farm shop and cafe via McKenzie Way access as permitted by that planning permission shall not commence unless and until the proposed parking restrictions and the associated Traffic Regulation Order have been designed and implemented on McKenzie Way in the vicinity of the Site, including both sides of 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. This Condition is relevant to Planning Permission ref: 22/00013/REM

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

26. Hard and Soft Landscaping (Car Park Overspill)

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. Car Park Management Plan

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
- The maximum number of days that the overflow car park can be used

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)

28. Modifications to McKenzie Way

Condition 28 of Planning Permission ref: 22/00013/REM states that no part of the development permitted under the development approved shall be first utilised unless and until the existing access onto McKenzie Way has been modified in accordance with a scheme to be submitted to and approved in writing by the County Highway Authority. This Condition is relevant to Planning Permission ref: 22/00013/REM only.

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)

Informatives

Informative 1:

Conditions relating to Appeal A (ref: APP/P3610/W/14/3000847) and Appeal B (ref: APP/P3610/W/14/3000633) are listed below:
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)

Informative 2:

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

Informative 3:

A standard fee may be charged for input to and future monitoring of any travel plan

Informative 4:

Any unilateral undertaking shall be in accordance with Surrey County Council's standard format

Informative 5:

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

Informative 6:

Animal displays should be solely for educational purposes

Informative 7:

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)

Informative 8:

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

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site. The Highway Authority will pass on the cost of any excess repairs compared to normal maintenance costs to the applicant/organisation responsible for the damage