

## PLANNING APPEALS REPORT

<b>Report</b>	Summary of all Planning Appeal Decisions and Current Appeals
<b>Period</b>	July to December 2025
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<b>Date of Report</b>	19/01/2026
<b>Appeals Determined</b>	18 in total (including 2 linked LBC appeals) 16 dismissed (89%), 2 upheld
<b>Costs Appeals Determined</b>	1 brought by appellant and dismissed (100%)

## LIST OF APPEAL DECISIONS

Item	Address	LPA Ref	PINS Ref	Proposal	Decision
1	35 Woodcote Hurst, Epsom	23/00032/ REF	APP/TPO/P3610/ 9913	Removal of Cypress	Dismissed
2	1 Wheelers Lane, Epsom	24/00024/ REF	<a href="#">APP/P3610/W/24/3346386</a>	New dwelling	Dismissed
3	Hobbedown, Horton Lane, Epsom	24/00052/ REF	<a href="#">APP/P3610/W/24/3355981</a>	Waterplay park	Dismissed
4		24/00052/ REF	<a href="#">APP/P3610/W/24/3355981</a>	Costs application against 3355981	Dismissed
5	Land Adjacent to Epsom Gateway, Ashley Avenue, Epsom	24/00055/ REF	<a href="#">APP/P3610/W/24/3356732</a>	Communications hub	Dismissed
6		24/00056/ REF	<a href="#">APP/P3610/Z/24/3356733</a>		Dismissed
7	Capitol Square, 2-6 Church Street, Epsom	24/00058/ REF	<a href="#">APP/P3610/Z/24/3356735</a>	Communications hub	Dismissed
8		24/00057/ REF	<a href="#">APP/P3610/W/24/3356734</a>		Dismissed
9	Langley Bottom Farm, Langley Bottom	25/00006/ REF	<a href="#">APP/P3610/W/25/3359376</a>	New dwelling	Dismissed
10	64 Grosvenor Road, Epsom	25/00008/ REF	<a href="#">APP/P3610/D/25/3361627</a>	Rear extension and raising of roof	Dismissed
11	212 Ruxley Lane, West Ewell	25/00014/ REF	<a href="#">APP/P3610/D/25/3365486</a>	Side and rear extension	Dismissed
12	57A Pickard House, Upper High Street, Epsom	25/00015/ REF	<a href="#">APP/P3610/W/25/3366439</a>	New flat building	Dismissed
13	81 College Road, Epsom	25/00016/ REF	<a href="#">APP/P3610/W/25/3366793</a>	Backland dwelling	Dismissed
14	Boogie Lounge, 1A Waterloo Road, Epsom	25/00022/ REF	<a href="#">APP/P3610/Z/25/3368471</a>	Box signage	Upheld
15	15 Beech Road, Epsom	25/00023/ REF	<a href="#">APP/P3610/D/25/3368789</a>	Roof extension and front dormer	Upheld
16	405 Kingston Road, Ewell	25/00021/ REF	<a href="#">APP/P3610/W/25/3367061</a>	CoU of offices to residential	Dismissed

17	59 Church Street, Epsom	25/00019/ REF	<a href="#">APP/P3610/D/25/ 3367695</a>	Glass porch	Dismissed
18		25/00020/ REF	<a href="#">APP/P3610/Y/25/ 3367698</a>	Glass porch	Dismissed
19	11A Christ Church Mount, Epsom	24/00043/ REF	<a href="#">APP/P3610/X/24/ 3352350</a>	Dropped kerb	Dismissed
20	40 High Street, Ewell	25/00014/ REF	<a href="#">APP/P3610/W/25/ 3367390</a>	Rear extensions to listed building	Upheld
21		25/00018/ REF	<a href="#">APP/P3610/W/25/ 3367391</a>	Rear extensions to listed building	Upheld

## SUMMARY OF DECISIONS

### 1. 35 Woodcote Hurst, Epsom (dismissed)

- 1.1. The appeal related to the felling of a Cypress but included consideration of whether the tree was correctly plotted and whether the tree was in fact protected by a TPO.
- 1.2. The Inspector found that the “felling of the tree would noticeably erode the mature and verdant landscape of the locality” and justification made by the appellant including unevenness in the driveway, bird defecation, impacts upon a manhole and gas mains, and that it is a non-native were not sufficient to outweigh this harm. The Inspector also found that the map was sufficiently clear to conclude that the tree was correctly protected.

### 2. 1 Wheelers Lane, Epsom (dismissed)

- 2.1. The appeal relates to the erection of an infill dwelling. The reasons for refusal and issues discussed in the appeal were the impact upon the setting of the Grade II listed building within the site and Wheelers Lane and Stamford Green Conservation Area and overlooking of 85 Stamford Green. There had been a previous appeal on the site.
- 2.2. The Inspector accepted that the surrounds had been harmed by more recent development but found that “At two-storeys high, and due to its siting and proximity to No 1, the proposed dwelling would significantly reduce the open character of the site, and it would block longer views of the listed building and its distinctive form and orientation from Wheelers Lane to the north” and that “Whilst some side space would be retained between the proposed dwelling and the properties either side of it, the openness of the site would be significantly reduced”. There was also clear overlooking from the rear bedroom window due to its proximity to the rear boundary. The public benefits of the scheme did not outweigh the harm and the appeal was dismissed.

### 3. Hobbledown, Horton Lane, Epsom (dismissed)

- 3.1. The appeal involved a new waterplay area comprising formation of shallow water feature and erection of play equipment and associated structures at Hobbledown Children’s Farm. The issues were whether it was inappropriate development in the

Green Belt, whether there was harm to the openness and whether there were very special circumstances to outweigh harm. The Council also refused the application on the grounds of harm to neighbour amenity (noise), trees, and protected species (Great Crested Newts).

- 3.2. The Inspector found that “The area of land on which the waterplay area is proposed is currently largely devoid of built development”, that “there would similarly be a small but nonetheless evident spatial loss to the Green Belt” and “as I have not found the proposal to preserve the openness of the Green Belt it does not fall within the exception set out in Paragraph 154(b) of the Framework and so represents inappropriate development in the Green Belt.” However, they also found that “the proposal would not be seen as being out of keeping with the outdoor nature of the Farm site or the Country Park generally. As such its visual impact would not be harmful to this wider setting.”
- 3.3. The remaining reasons for refusal were resolved by virtue of the submission of an ecology report, noise assessment, and arboricultural impact assessment.
- 3.4. Very special circumstances were cited by the appellant, but they were not compelling or lacked detail, including with respect to visitor numbers and financial benefits. Very special circumstances were not sufficient to outweigh harm and the appeal was dismissed.

#### **4. Hobbledown, Horton Lane, Epsom (costs appeal - dismissed)**

- 4.1. The appellant sought a full award of costs, contending that the Council delayed a development which should clearly have been permitted and in doing so failed to engage with the applicant, making generalised and inaccurate assertions about the proposal and not providing the applicant with the consultee responses. This approach is said to be inconsistent with the Council’s previous approach on the site and elsewhere.”
- 4.2. The Inspector did not find that the Council delayed a scheme that should have been approved nor that it misconstrued the report (as it could evidently have occurred given the way it was structured). They also concluded that inconsistent customer service is not the same as inconsistent decision making and that the appropriate technical reports should have been anticipated. The award of costs was dismissed, full or otherwise.

#### **5. Land Adjacent to Epsom Gateway, Ashley Avenue, Epsom (dismissed)**

- 5.1. The appeal relates to a New World Payphones communications hub at Ashley Avenue. Issues raised were harm to the character of the area and highway safety.
- 5.2. The Inspector noted that it would “be relatively utilitarian in its appearance and through a combination of both its height and width the kiosk would be a visually intrusive and bulky addition to this section of the footway” and “its siting directly adjacent to the highway in an isolated position would be viewed as a highly incongruous addition”. Highway safety was not raised as a concern.

5.3. The public benefits (emergency messaging, advertisements for local businesses, public communications, and a defibrillator) were not sufficient to outweigh harm and the appeal was dismissed. This decision is consistent with all other appeals for communications hubs within Epsom Town Centre.

**6. Land Adjacent to Epsom Gateway, Ashley Avenue, Epsom (dismissed)**

6.1. This is an advertisement consent appeal linked to the above appeal which was also dismissed.

**7. Capitol Square, 2-6 Church Street, Epsom (dismissed)**

7.1. The appeal relates to a New World Payphones communications hub at Church Avenue. Issues raised were harm to the character of the area.

7.2. The Inspector noted a “pleasant and typical urban environment and public realm” and that it would “an isolated, large, and overly dominant feature within the street scene. This impact would be exacerbated by the modern appearance and rotating advertising screen, which further highlights the incongruity of the proposal within its context” and “be markedly out of keeping with the rhythm and consistency of the existing street furniture and would unduly detract from the spacious and open character of the public realm in this location”.

7.3. The public benefits (emergency messaging, advertisements for local businesses, public communications, and a defibrillator) were not sufficient to outweigh harm and the appeal was dismissed. This decision is consistent with all other appeals for communications hubs within Epsom Town Centre.

**8. Capitol Square, 2-6 Church Street, Epsom (dismissed)**

8.1. This is an advertisement consent appeal linked to the above appeal which was also dismissed.

**9. Langley Bottom Farm, Langley Bottom (dismissed)**

9.1. The appeal related to a new dwelling on land that was previously occupied by a 1900s farm house at Langley Bottom Farm but now consists of ruins only. The Council refused the application on five grounds – inappropriate development in the Green Belt, harm to the character of the area, harm to trees, harm to ecology and Lack of Biodiversity Net Gain.

9.2. Following the introduction of Grey Belt in NPPF 2024 after the refusal of the application, the Council indicated that it no longer sought to argue the contention that the proposal was inappropriate development in the Green Belt and the Inspector concurred. Issues relating to trees and ecology also fell away through submission of details. BNG remained but only because a legal agreement did not secure the necessary mitigation.

9.3. The applicant's contention is that the proposal is a replacement dwelling and that the volume of the proposed dwelling would be comparable to the previous dwelling, and that a fallback of being able to reconstruct the dwelling exists. However, the Inspector assigned little weight to these arguments.

9.4. The Inspector concluded that a new dwelling "would not be conspicuous when seen from public vantage points", "it would not represent an environmental benefit in the same way the dwellings were considered to be for the Langley Bottom Farm site" and that it would be sporadic and piecemeal as "an unexpected sight, neither appearing as part of the Langley Farm redevelopment nor as part of Langley Vale." Benefits are small and not sufficient to outweigh harm and the appeal was dismissed.

#### **10. 64 Grosvenor Road, Epsom (dismissed)**

10.1. The appeal related to a rear extension, garage conversion, side and front roof extensions and a loft conversion. The sole contention/reason for refusal related to protected species, namely the lack of a Phase II bat survey.

10.2. The Inspector agreed, noting that "In the absence of any bat emergence surveys, and based on the information before me, the presence of bats cannot be ruled out, and I cannot be certain as to the extent to which they may be affected". They also noted that conditioning the consent "would not be appropriate in light of the legal protection given to bats and the need to determine potential impacts on them in advance of any permission."

#### **11. 212 Ruxley Lane, West Ewell (dismissed)**

11.1. The appeal related to a single storey side and rear extension with rear dormer. The works were part retrospective and the issues related to the impact on the character of the dwelling and area.

11.2. Works to the front were satisfactory but works to the rear "would add significant bulk, and the large box-style dormer would consume the majority of the main roof with a notable rear projection. It would create a top-heavy form and would be out of scale with the original property". The appeal was dismissed but a subsequent householder application has approved lesser works.

#### **12. 57A Pickard House, Upper High Street, Epsom (dismissed)**

12.1. The appeal related to two additional floors on top of the existing four storey mixed use (retail and 11 flats) building to accommodate seven additional flats. The three primary issues were harm to the streetscene, the Epsom Town Centre Conservation Area (not within but to the west) and internal layout.

12.2. The "Inspector agreed that the building is seen beyond the Conservation Area and that the significant increase in height as proposed would lead to a much more visually obtrusive building and would sit uncomfortably in relation to the lower scale of the buildings within the Conservation Area". The "seven additional units would be a

modest benefit but in the particular circumstances of this case they would not outweigh the harm".

12.3. On character impacts, the Inspector concluded that the existing building sat comfortably within its surrounds, but the proposal would be "very bulky and solid mass of built development which would result in an over prominent and visually incongruous development particularly in views from the front, and sides."

12.4. The Inspector also concurred that living conditions were substandard in terms of overall floorspace, storage and bedroom sizes.

12.5. In the planning balance, the delivery of additional housing, amongst other benefits, did not outweigh harm and the appeal was dismissed.

### **13. 81 College Road, Epsom (dismissed)**

13.1. The appeal related to the erection of a backland 2-bed dwelling on a corner plot, the primary issue being perceived harm on the character of the area.

13.2. The Inspector observed a "generous verdant gap between the rear of the houses fronting College Road." In dismissing the appeal, the Inspector concluded that "The small size of the rear garden in relation to the generous size of the property would appear visually discordant and the property would appear cramped within the remaining plot." This is consistent with the decision in a 2022 appeal on the site.

### **14. Boogie Lounge, 1A Waterloo Road, Epsom (upheld)**

14.1. The appeal related to an internally illuminated box sign. The Council refused the application because of harm to the visual amenity of the area (namely internal illumination), including the conservation area. The Inspector concluded that the street is "highly mixed in terms of the design, width and depth of fascia, materials, and the method of illumination. There are also several projecting box signs. There is therefore very little uniformity, and the streetscene is capable of accommodating some variety" and that the signage is fairly subtle and that illumination is not unusual.

### **15. 15 Beech Road, Epsom (upheld)**

15.1. The appeal relates to two dormer windows on the front roof plane. The works had been undertaken. The Council acknowledged several nearby dormers but concluded that these were original features or predated the 2004 SPG. The Inspector upheld the appeal, noting that "The dormer is slightly offset from the apex of the dormer and the first-floor window below. However, this is not particularly noticeable at street level, and the dormer does not significantly detract from the character and appearance of the host dwelling in this regard. Moreover, given the immediate context of the appeal property where front dormers are widespread, the dormer that has been constructed does not stand out as a particularly prominent or incongruous feature within the street scene."

**16. 405 Kingston Road, Epsom (dismissed)**

16.1. The appeal related to the change of use of an existing office building to the rear of the site to a residential dwelling. The reasons for refusal and issues in the appeal were the loss of an employment use and substandard internal space.

16.2. The appellant suggested that the Council's draft Local Plan encourages office conversions but did not cite a policy. The Inspector also agreed with the Council that the "bedroom size could encourage more than one person to live at the property" and that internal space was non-compliant. The appeal was dismissed on both grounds.

**17. 59 Church Street, Epsom (dismissed)**

17.1. The appeal related to the erection of a glass porch to the front of a Grade II listed building known as Leigh House. The issue related to perceived harm to the listed building and the Church Street Conservation Area and whether there were public benefits to outweigh harm.

17.2. The Inspector concluded that there was "no further detail of the proposed fixing methods, materials and number of connection points" and "it would significantly increase the amount of glass, which is currently a minor component of the listed building, within the principal elevation and lead to the enclosure of a feature which was historically designed to be open." Whilst it would reduce noise and provide shelter, benefits were minor and not sufficient to outweigh harm.

**18. 59 Church Street, Epsom (dismissed)**

18.1. This is a linked appeal against the refusal of a listed building consent. It was also dismissed.

**19. 11A Christ Church Mount, Epsom (dismissed)**

19.1. The appeal related to a certificate for a dropped kerb. As the certificate related to a second dropped kerb to an existing driveway parking area, the Council concluded that it was not required in accordance with Class B of Part 2 of the GPDO. The Inspector agreed with the Council's reasoning and the appeal was dismissed.

**20. 40 High Street, Ewell (upheld)**

20.1. The appeal relates to the constriction of two extensions to the rear of the Grade II listed building. The works were retrospective and subject to enforcement action. The issue was whether the proposal preserved the setting and historic interest of the building.

20.2. The Inspector has noted that "the special interest of the listed building relates to its longstanding use as a shop in a central location within Ewell. Its demonstrable adaptation over time to support evolving commercial needs both on and around the site also contributes to its significance." However, "the proposal would result in the

blurring of the definition between the main building, outbuildings and the external courtyard space" resulting in a low level of less than substantial harm.

20.3. The Inspector then concluded that there were economic and wellbeing benefits from its use for workshops and yoga, improved flexibility with additional floorspace and facilities and social aspects associated with its community use. Were the business to become financially unviable, it would contribute to a downturn on the high street. These benefits were sufficient to outweigh identified harm.

## **21. 40 High Street, Ewell (upheld)**

21.1. This is a linked appeal against the refusal of a listed building consent. It was also dismissed.

## **CURRENT APPEALS**

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Planning Ref	Appeal Ref	PINS Reference	Status	Address	Proposal
22/00385/TPO	23/0007/COND	TBC	Valid	Burnside, Vernon Close, Ewell	Felling of Oak
22/01810/TPO	23/0019/REF	TBC	Valid	21 Chartwell Place, Epsom	Felling of Ash
23/00302/TPO	23/00031/REF	TBC	Valid	5 Poplar Farm Close, West Ewell	Part tree removal
24/00800/TPO	24/00045/REF	APP/P3610/W/24/3353162	Received	1 Park Farm Court, West Ewell	Crown reduction
24/01001/TPO	24/00049/NONDET	TBC	Received	Ridgecourt, The Ridge, Epsom	Tree works
24/01264/CLE	24/00059/REF	APP/P3610/X/24/3357306	Pending	329 London Road, Ewell	Hip to gable
24/01312/FUL	24/00060/REF	APP/P3610/W/24/3357667	Pending	10 High Street, Epsom	Change to shopfront
24/01315/ADV	24/00061/REF	APP/P3610/Z/24/3357797	Pending	10 High Street, Epsom	Advertising signage
24/00131/BOC	25/00005/ENF	APP/P3610/C/24/3357839	Pending	10 High Street, Epsom	Enforcement notice
24/00282/COU	25/00009/ENF	APP/P3610/C/25/3361942	Pending	11 Woodlands Road, Epsom	Outbuilding
24/00066/COU	25/00010/ENF	APP/P3610/C/25/3362490	Pending	185 Kingston Road, Ewell	CoU to motorcycle repairs
25/00158/ADV	25/00012/REF	APP/P3610/Z/25/3364400	Pending	Station Approach, Epsom	Communications hub
25/00157/ADV	25/00013/REF	APP/P3610/Z/25/3364412	Pending	42-44 East Street, Epsom	Communications hub
25/00097/FLH	25/00024/COND	APP/P3610/W/25/3371621	Pending	21 West Street, Ewell	Window condition
25/00685/CLE	25/00025/REF	APP/P3610/X/25/3373465	Pending	47 Holmwood, Cheam	Terrace and balcony
25/01064/CLP	25/00027/REF	APP/P3610/X/25/3375600	Pending	107 Hookfield, Epsom	Hip to gable conversion
25/00996/FLH	25/00028/REF	APP/P3610/D/25/3376126	Pending	26 Church Road, Epsom	Hip to gable conversion
25/00849/COND	25/00030/REF	APP/P3610/W/25/3376195	Pending	26 Lansdowne Rd, West Ewell	Materials discharge (plus costs)
25/01068/CLP	25/00029/REF	APP/P3610/X/25/3376179	Pending	27A Chartwell Place, Epsom	Hip to gable conversion
25/00606/CLP	25/00026/REF	APP/P3610/X/25/3375637	Pending	12 Stoneleigh Cres, Stoneleigh	Widening of crossover
25/01065/FLH	25/00032/REF	TBC	Received	49 Pine Hill, Epsom	Side extension
25/01032/FUL	25/00031/REF	TBC	Received	388 Chessington Rd, West Ewell	Four dwellings
25/00937/FLH	26/00001/REF	TBC	Received	66 Worple Road, Epsom	Rear glazed extension