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planning

# Statement of Case

**Farm View,  
Langley Vale Road,  
Epsom, Surrey,  
KT18 6AP**

Appeal against the decision of Epsom & Ewell Borough Council to refuse outline planning permission for up to 110 dwellings (LPA Ref: 25/00846/OUT)

Prepared for:  
**Fairfax Aspire Ltd**

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**March 2026**

**WBP Ref: 9204  
LPA Ref: 25/00846/OUT**



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## 1. Introduction and Overview

### General

- 1.1. This Statement of Case ("SoC") has been prepared regarding an appeal ("the Appeal") by Fairfax Aspire Ltd against the decision of Epsom & Ewell Borough Council ("the Council") to refuse their outline planning application ("the application") for up to 110 dwellings including affordable homes (all matters reserved except access from Langley Vale Road) (Local Planning Authority ("LPA") Ref: 25/00846/OUT) ("the Application Scheme", now "the Appeal Scheme") on land at Farm View, Langley Vale Road, Epsom ("the Application Site", now "the Appeal Site").
- 1.2. The Appellant issued a notice of intention to submit an appeal to PINS and the Council on Friday 6<sup>th</sup> March 2026.
- 1.3. The Appellant is seeking the inquiry procedure (see Section 5 below). Accordingly, this SoC is accompanied by a draft Statement of Common Ground ("SoCG") that the Appellant will seek to agree with the Council.
- 1.4. As part of the SoCG process, the Appellant will also seek to agree a full schedule of plans to be approved as part of the Appeal Application<sup>1</sup>, draft conditions, and a list of Core Documents with the Council.
- 1.5. Negotiations on a S106 Planning Obligation will be advanced with the LPA. The Planning Obligation will ensure the necessary contributions (including those to satisfy the Golden Rules) are secured (NPPF Paragraph 156). As per paragraph 158 of the NPPF, compliance with the Golden Rules is to be afforded significant positive weight in the planning balance.

### The Council's Decision to Refuse Planning Permission

- 1.6. The Application (LPA Ref: 25/00846/OUT) was recommended for approval by the Council's Development Management Team Leader. Officers' advice was that the tilted balance in paragraph 11(d) of the NPPF was engaged, and that the adverse impacts of granting permission do not significantly and demonstrably outweigh the benefits. They concluded that the Appeal Site comprises grey belt land and that the proposed development would comply with the Golden Rules and accordingly that the proposal was not inappropriate development in the Green Belt, and that compliance with the Golden Rules carried significant weight in favour of the grant of permission. Officers advised that if members found that the proposal *was* inappropriate development in the Green Belt, the limited harms identified (loss of agricultural land, harm to openness of the Green Belt, moderate but localised harm to the Area of Great Landscape Value) were clearly outweighed by very special circumstances such that permission should be granted.
- 1.7. Notwithstanding the clear and unambiguous advice from the Council's professional officers, Members nevertheless resolved to refuse planning permission, by Decision dated 2<sup>nd</sup> March 2026. The Application was refused for the following reasons:

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<sup>1</sup> This will relate to the location plan, access plans, and parameters plans

“1) Unsustainable Development

The proposal is sited in an unsustainable location with a lack of access to public transport and walking and cycling options, resulting in excessive reliance upon private car usage and a lack of alternative travel options, contrary to Sections 9 and 13 of the National Planning Policy Framework 2024, Policy CS16 of the Core Strategy 2007 and Policy DM10 of the Development Management Policies Document 2015.”

“2) Inappropriate Development in the Green Belt

The proposal is inappropriate development in the Green Belt by definition and will result in unacceptable harm to the openness and setting of the Green Belt without very special circumstances, contrary to Section 13 of the National Planning Policy Framework 2024, Policies CS1 and CS2 of the Core Strategy 2007 and Policy DM3 of the Development Management Policies Document 2015.”

“3) Harm to the landscape Character of the Area

The proposal will have an unacceptable visual impact on the landscape setting of the Area of Landscape Value and of the wider landscape character of the countryside and Green Belt, contrary to Sections 13 and 15 of the National Planning Policy Framework 2024, Policy CS5 of the Core Strategy 2007 and Policy DM9, DM10 of the Development Management Policies Document 2015.”

“4) Impact on Horse Racing Industry

The proposal will lead to an increased conflict with existing movements of horses on Langley Vale Road, posing unacceptable conflict and impediment to vehicular traffic and risks to horses, trainers and riders, contrary to Section 9 of the National Planning Policy Framework 2024, Policy CS16 of the Core Strategy 2007 and Policy DM10 of the Development Management Policies Document 2015.”

- 1.8. The Appellant will address the Officer’s Report to Planning Committee and the subsequent Member resolution to refuse planning permission in evidence.
- 1.9. The evidence will respond to the alleged harms/impacts as they relate to the following issues:
  - i. Locational sustainability
  - ii. Inappropriate development in the Green Belt
  - iii. Impacts on the Area of Great Landscape Value and wider countryside
  - iv. Impacts on the movement of horses along Langley Vale Road

## Overview of the Appellant's Case

- 1.10. Whilst the Appeal Site falls beyond the settlement policy boundaries of the Development Plan and is within the Green Belt, evidence will show that the Development Plan, which is comprised of the Epsom & Ewell Core Strategy (Adopted 2007) and the Development Management Policies Document (Adopted September 2015) is out of date on account of (i) the failure of the Development plan to meet identified housing needs resulting in a need for development beyond settlement boundaries; and (ii) the significant and demonstrable lack of a 5-year housing land supply position. In addition, the Council's Housing Delivery test results means that the presumption in favour of sustainable development is engaged, separately from points (i) and (ii).
- 1.11. Evidence will demonstrate that the Appeal Site is sustainably located, being within reasonable walking and cycling distance to local services, facilities, and public transport options within Langley Vale in accordance with the objectives of paragraphs 110 and 115 of the NPPF. It will be demonstrated that two appeal decisions have supported the proposition that this is a sustainable location for residential development.
- 1.12. The Appeal Site is located between existing built form within Langley Vale and a residential development (currently under construction) approved on appeal<sup>2</sup> sited further away from the settlement boundary than this Appeal Scheme.
- 1.13. Evidence will also be submitted regarding the Council's plan-making activities (noting that the Council have been ordered by Central Government to commence work on a new Local Plan by 30<sup>th</sup> June 2026<sup>3</sup>), and evidence base, including that relating to the Appeal Site (including Green Belt and landscape assessments).
- 1.14. On landscape matters, evidence will demonstrate that the surrounding landscape has sufficient capacity to accommodate the Appeal Scheme with no residual long-term adverse effects upon the Area of Great Landscape Value.
- 1.15. Regarding impacts upon the horse racing industry, this matter is rooted in highway safety. Evidence will demonstrate that the Appeal Scheme will not prejudice the safety of horse movements along Langley Vale Road in accordance with paragraph 116 of the NPPF.
- 1.16. With regard to Green Belt considerations, the Appellant maintains that the Site comprises grey belt land and that the proposal is not inappropriate development. However, it has identified two scenarios under which the Appeal Scheme could fall to be considered, reflecting the approach in the officer's report.

### Green Belt Scenario 1 – The Appeal Site is Grey Belt Land

- 1.17. Scenario 1 represents the Appellant's position, namely that the Site comprises grey belt land as defined in the NPPF, as the Appeal Site does not make a strong contribution to Green Belt

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<sup>2</sup> PINS Ref: APP/P3610/W/21/3280881

<sup>3</sup> Rollout of the new local plan-making system (Gov.uk – 06/03/2026)

purposes (a), (b) and (d); and because it is considered that there are no NPPF footnote 7 strong reasons for refusal.

### Green Belt Scenario 2 – The Appeal Site is not Considered to be Grey Belt Land

1.18. In this alternative scenario, contrary to the position adopted by the Council’s professional officers that the site comprises grey belt land, the Appeal Scheme would fall to be determined under paragraph 153 of the NPPF through consideration of very special circumstances.

### The Appellant’s Position (Green Belt Scenario 1)

1.19. The Appellant’s evidence will show that the Appeal Site is grey belt, and that the appeal should be allowed applying the approach at paragraph 155 of the NPPF:

- i. The Appeal Site does not strongly contribute to any of purposes a), b), or d) of the Green Belt as stated in paragraph 143 of the NPPF. Purpose (a) and (b) are not relevant because Langley Vale is a village, and the these purposes relates to the sprawl of large built-up areas and the coalescence of towns respectively. Purpose (d) is not engaged because the Appeal Site does not form part of the setting of an historic town.
- ii. There are no relevant polices relating to the areas or assets in footnote 7 of the NPPF which would provide a strong reason for refusal (either individually or in combination).
- iii. The Appeal Scheme would not fundamentally undermine the purposes (taken as a whole) of the remaining Green Belt across the plan area; thus satisfying paragraph 155(a) of the NPPF.
- iv. Consistent with paragraph 155 (b) and footnote 56 of the Framework, the undisputed housing land supply position provides clear evidence that there is a demonstrable unmet need for the type of development proposed.
- v. The Site, as evidenced by a previous appeal decision on the site<sup>4</sup> and immediately adjacent<sup>5</sup>, is in a sustainable location thus complying with paragraph 155 c) of the NPPF.
- vi. The Scheme satisfies the Golden Rules at paragraphs 155 (d), 156 and 157 of the NPPF in so far as it would provide 50% affordable housing. It would also deliver necessary improvements to local infrastructure, secured through the legal agreement. The Scheme also secures new green spaces that would be accessible to the public, and new residents would have access to extensive offsite high quality green spaces.

<sup>4</sup> PINS Ref: APP/P3610/W/25/3359376 (July 2025) (Para 26 of the Decision refers)

<sup>5</sup> PINS Ref: APP/P3610/W/21/3280881 (July 2022) (Paras 20 to 35 of the Decision refer)

- 1.20. As the Appeal Scheme complies with the Golden Rules, this carries significant weight in favour of the grant of planning permission (paragraph 158 of the NPPF).
- 1.21. It will be shown that the Appeal Scheme is not inappropriate development in the Green Belt. Accordingly, the location of the Appeal Site in the Green Belt does not provide a strong reason for refusing the development proposed for the purposes of paragraph 11 (d) (i) of the Framework.

#### The Appellant's Position (Green Belt Scenario 2)

- 1.22. It is apparent from reason for refusal 2 that Members found that the proposal was inappropriate development in the Green Belt (although the reasons for that finding are not clear). Even if that is so, planning permission should be granted applying paragraph 153 of the NPPF.
- 1.23. The alternative (scenario 2), requires an assessment of whether the harm by reason of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the development to be undertaken at paragraph 153 of the NPPF.
- 1.24. The very special circumstances justifying the grant of permission include: (a) making a material contribution to delivery of housing in an area with a woeful housing land supply position where new housing to meet identified needs will inevitably require a Green Belt location (b) the provision of 55 affordable homes in the context of a significant shortfall in affordable housing delivery (c) the location of the site between existing housing in Langley Vale and consented housing at Langley Bottom Farm (d) environmental, economic and social benefits arising from the new development including the enhancement of nature conservation and the provision of new public realm and children's play areas.
- 1.25. The Appellant's evidence will demonstrate that the harms identified in the reasons for refusal relating to Green Belt, locational sustainability, landscape impacts, and impacts upon the horse racing industry should be given either no weight or limited weight. Any harm to the openness of the Green Belt would be limited given the site's context including enclosure by existing development. In those circumstances, the circumstances set out above would clearly outweigh any harm to the Green Belt and any other harm. It follows that permission should be granted even if the development is found to be inappropriate development in the Green Belt.

#### Development Plan Conformity

- 1.26. The reasons for refusal allege conflict with Core Strategy policies CS1, CS2, CS5, CS16, and Development Management policies DM3, DM9, and DM10.
- 1.27. Policy CS1 requires new development proposals to contribute towards the social, economic, and environmental objectives necessary to achieve sustainable development. The Appeal Scheme comprehensively achieves all three objectives.

- 1.28. Policy CS2 states that Green Belt development will be controlled in accordance with national policy. It is the Appellant's view that the Site constitutes grey belt land where the provision of new housing is not inappropriate development in the Green Belt. The Scheme would also accord with CS2 in a NPPF paragraph 153 (very special circumstances) case.
- 1.29. Policy DM3 relates to the replacement and extension of buildings in the Green Belt and is not applicable to the Appeal Scheme.
- 1.30. Policies CS5, DM9 and DM10 relate to securing high-quality design and protecting areas of special character. The Appellant's view is that the Appeal Scheme demonstrates how a high-quality design can be achieved at the reserved matters stage, respecting its setting.
- 1.31. Policy CS16 requires new developments to encourage a modal-shift away from the private car through the encouragement and provision of facilities of sustainable transport options including walking, cycling, and public transport. The locality has been found to be sustainable twice at appeal, and the range of sustainable transport measures proposed will only enhance the sustainability credentials so the Appeal Site.
- 1.32. Insofar as the Appeal Scheme accords with the approach to development in the Green Belt as set out at policy CS2, the Appellant is of the opinion that the Scheme accords with the development plan when taken as a whole. This is because policy CS2 allows for development in the Green Belt in accordance with government policy. The introduction of the grey belt definition in the NPPF means that development of the Appeal Site in the manner proposed is not inappropriate development and therefore is acceptable under the provisions of policy CS2.

#### Consultation Draft NPPF (December 2025)

- 1.33. The Appellant notes that the consultation draft NPPF (December 2025) reaffirms the Government's commitment to addressing the national housing crisis.
- 1.34. As it is a consultation document, it carries only limited weight. The Appellant will return to this matter in evidence, and address any updated version of the NPPF which may emerge.

#### Third Party Submissions

- 1.35. Evidence will also be provided to address any 3rd party submissions, which matters are comprehensively addressed in the Officer Report to Planning Committee upon the Appeal Scheme.

## 2. The Appellant's Position on the Main Issues for Determination in this Appeal

### Context

- 2.1. The Development Plan comprises the Core Strategy (2007) and the Development Management Policies Document (2015). The Appellant will also set out the Council's treatment of the Site in more recent plan-making activities.
- 2.2. The development plan is out of date in terms of (i) the spatial application of its housing policies, (ii) the Council cannot demonstrate a five-year supply of deliverable housing; and (iii) the Council has failed the Housing Delivery Test as per the requirements of paragraph 78 of the NPPF.
- 2.3. The identified housing shortfall, combined with the lack of consistency with the NPPF, triggers the presumption in favour of sustainable development at paragraph 11(d) of the NPPF.
- 2.4. The Council has a published land supply position of between 1.49-1.53 years<sup>6</sup>. This represents a shortfall of between 3,651 – 3,600 dwellings in the five year supply. This represents a chronic undersupply of market and affordable housing. The benefit of providing market and affordable housing against this undersupply were both afforded substantial positive weight.
- 2.5. The Appellant will seek to agree a Statement of Common Ground with the Council relating to the five year housing land supply position. This will need to be based upon the most up to date information. Accordingly, the Appellant reserves the right to present evidence on five year housing land supply matters if a position cannot be agreed with the Council.
- 2.6. The Appeal decision upon the neighbouring land to the south of the Appeal Site acknowledged the need to utilise land outside of settlement boundaries on account of the Council's "woeful housing land supply and delivery position"<sup>7</sup>.
- 2.7. Such an approach is advocated by the Council in its emerging Local Plan<sup>8</sup> with paragraphs 3.5-3.7 confirming that settlement boundaries need to be expanded and land released from the Green Belt to meet identified housing needs.
- 2.8. The Appellant's evidence will demonstrate that the harms identified in the given reasons for refusal relating to Green Belt, locational sustainability, landscape impact, and impacts upon the horse racing industry do not provide a strong reason for refusal, either individually or cumulatively. The evidence will address the purported harms.
- 2.9. The Appellant's position in response to each of the issues raised by the Council is summarised in turn below.

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<sup>6</sup> Epsom & Ewell Borough Council Authority Monitoring Report 01/04/2024-31/03/2025 Appendix A

<sup>7</sup> Paragraph 52 of Appeal Ref: APP/P3610/W/21/3280881

<sup>8</sup> Proposed Submission Epsom & Ewell Local Plan 2022-2040 regulation 19 (December 2024)

### Whether the Site is Sustainably Located

- 2.10. Paragraph 110 of the NPPF requires new development proposals to be focused on locations that are, or can be, made sustainable through limiting the need to travel and offering a genuine choice of transport modes but acknowledges that opportunities to do so will vary between urban and rural contexts.
- 2.11. As referenced already in this SoC, the Appeal Site is neighboured by land, further away from the settlement boundary of Langley Vale (and the services and facilities therein), that has been subject to two appeal decision (PINS refs: APP/P3610/W/25/3359376 and APP/P3610/W/21/3280881) in which the locality of the Appeal Site was found to constitute a sustainable location.
- 2.12. Council Officers, at paragraphs 9.53 and 9.59 of their report to Committee, highlight the materiality of these decisions, making references to the case of *North Wiltshire District Council v Secretary of State for the Environment and Clover (1993) 65 P. & C.R. 137*.
- 2.13. On account of the Appeal Site being sited closer to the settlement of Langley Vale (and the services, facilities and public transport options therein), the Council are disagreeing with a matter already found acceptable by the Planning Inspectorate twice over.
- 2.14. Section 4 of the submitted Residential Travel Plan ("RTP") highlights the inherent sustainability credentials of the Appeal Site, being well connected to existing active travel corridors and public transport options. To further strengthen the sustainability credentials of the Appeal Site, section 7 of the RTP details the measures to be implemented which include the provision of a car club, a contribution towards the Surrey Connect DRT, travel vouchers, and the provision of travel packs. Paragraph 9.58 of the Officer's Committee report acknowledges and agrees that such measures would further heighten the sustainability of a location which has already been found to be sustainable.
- 2.15. The position of the Appellant remains that the Appeal Site is in an inherently sustainable location.

### Whether the Appeal Scheme is Inappropriate Green Belt Development or Not

- 2.16. The December 2024 version of the NPPF introduced the concept of 'grey belt' land, which is defined as follows: "*For the purposes of plan-making and decision-making, 'grey belt' is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, **does not strongly contribute** to any of purposes (a), (b), or (d) in paragraph 143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.*" (emphasis added).
- 2.17. The contribution the Appeal Site makes to purposes a) and b) of the Green Belt was assessed in the Council's Green Belt Study Update<sup>9</sup> as parcel ID P03. The Study did not assess the contribution to purpose d) due to "*Most 'historic towns' are already enveloped by recent development between the historic core and moving out to the open countryside. As such, following further consideration,*

<sup>9</sup> Epsom & Ewell Borough Council Green Belt Study Update 2024 (November 2024)

*this review will not include the scores assigned to parcels in relation to purpose 4.* It is important to note that this Assessment pre-dates the NPPF definition of Grey Belt. It is also pre-dates the Green Belt PPG.

- 2.18. Each criterion was scored within a range of 0-3 with 0 representing no contribution to that purpose, and 3 being a strong contribution. The table below summarises the Appeal Site's scores within the Council's Green Belt Study Update:

Green Belt Purpose	Score
a)	2
b)	1

- 2.19. By the Council's own earlier assessment, the Site does not contribute strongly to purposes a), b) or d) of the Green Belt. This is further reiterated by the Langley Bottom Farm Appeal Inspector who made the following comments at paragraphs 3- 5 of their decision:

"3. The Council, in its appeal statement, confirmed that it no longer wished to pursue reason for refusal 1 (Green Belt) given the introduction of the term 'Grey Belt' in the revised National Planning Policy Framework (the Framework).

4. The tests for Grey Belt are that the land would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan; that there is demonstrable unmet need for the type of development; and that it is in a sustainable location.

5. Some interested parties have indicated that the Green Belt around Langley Vale acts as a check on its unrestricted sprawl. However, this purpose of the Green Belt is to check unrestricted sprawl of large built-up areas. Having regard to the Planning Practice Guidance (PPG), Langley Vale would not be a large built-up area. Given the evidence before me, including the appeal decision for Langley Bottom Farm, the site would be in a sustainable location."

- 2.20. Further, matters have moved in through the definition of grey belt and the guidance in the PPG. It is clear that Langley Green is not a large built-up area for the purposes of Green Belt policy, and the Council's latest sustainability appraisal<sup>10</sup> defines it as a village, meaning it cannot contribute to purposes a), b), or d) of the Green Belt as per the PPG<sup>11</sup>.

- 2.21. The second test to qualify as a 'grey belt' is whether there are any footnote 7 considerations in the NPPF (excluding the reference to Green Belt) that provide a strong reason for refusing development. The Appellant will demonstrate in evidence that there are no strong reasons under footnote 7, thus satisfying the second part of the test to qualify as grey belt.

<sup>10</sup> Sustainability Appraisal of the Epsom & Ewell Local plan (December 2024)

<sup>11</sup> Paragraph: 005 Reference ID: 64-005-20250225

- 2.22. The Appeal Scheme also complies with the Golden Rules at paragraph 156 of the NPPF by providing 50% on-site affordable housing (up to 55 dwellings), all necessary infrastructure improvements, and the creation of new publicly accessible green spaces. As per paragraph 158 of the NPPF, compliance with the Golden Rules is to be afforded significant positive weight.
- 2.23. In so far as the Appeal Scheme satisfies the Golden Rules, the Appeal can be positively determined under paragraph 11(d)(ii) of the NPPF.
- 2.24. The unequivocal position is that the Appeal Scheme would utilise grey belt land.
- 2.25. The Council's position, in direct contrast to its own latest evidence base and highly material appeal decisions, that the proposal is inappropriate development in the Green Belt. It is unclear what the Council's position is on whether the site is grey belt, but it is assumed that Members considered it is not grey belt.
- 2.26. In this scenario, which is not supported nor endorsed by the Appellant, the Appeal Scheme would as a matter of principle, result in definitional harm to the Green Belt. There would also be impact to the openness of the Green Belt in visual and spatial terms; whilst in addition, there would be conflict with purpose (c) (encroachment).
- 2.27. As directed by paragraph 153 of the NPPF, the Green Belt harms would attract substantial weight.
- 2.28. In this scenario, the evidence will demonstrate that the Green Belt and any other harm resulting from the proposal is clearly outweighed by other considerations such that very special circumstances exist. This accords with the alternative conclusion in the officer's report.

### **Harm to the Landscape Character of the Area**

- 2.29. Evidence will show that, the visual impact of the Appeal Scheme is tempered by its urban backdrop with residential development to its north and south. The changes to the landscape character will be localised and acceptable based on visual containment.

### **Impacts on the Horse Racing Industry**

- 2.30. This reason for refusal is borne out of highway safety. Evidence will demonstrate that the Appeal Scheme will not prejudice the operation of the local highway network, with a particular regard to equestrian movements.
- 2.31. The Local Highway Authority were consulted on the Appeal Scheme and raised no objections in this regard subject to conditions. It is unclear why the Council departed from this advice in refusing permission.

### 3. Planning obligations & Conditions

#### Planning Obligations

- 3.1. The Appellant has been in negotiation with the Council to agree an appropriate planning obligation mechanism under the provisions of Section 106 of the Town and Country Planning Act 1990 (as amended) to secure developer contributions to address the following:
- 50% affordable homes to meet the specified tenure mix and dwelling sizes agreed with the Council's Housing team.
  - Provision of on-site public open space including ongoing maintenance through a management company.
  - £200,000 per annum for five years to provide an enhanced bus service provision to the site, either through DDRT (Digital Demand Response Transport) or securing/improving the existing bus service to Langley Vale.
  - £28,930.97 towards police infrastructure to mitigate for the population growth.
  - £6,900 BNG Monitoring Fee.
  - £20,000 Section 106 Administration and Compliance Fees.
  - £5,000 Travel Plan Monitoring Fee.
  - Provision of two car club spaces and vehicles, alongside EVCPs for the use of these vehicles, for a minimum period of three years, with three years free membership and £50 worth of driving time credit for occupiers of the new development.
  - Provision of cycle vouchers for occupiers of the new development.
  - Habitat Creation and Management Plan.
  - Open Space Management and Maintenance Strategy and unrestricted public access to be maintained to the Open Space.
  - Play Area Management and Maintenance Strategy and unrestricted public access to be maintained to the Play Areas.
  - Landscape Management and Maintenance Strategy
- 3.2. A planning obligation is expected to be agreed in line with the Inspectorate's timetable.

### Conditions

- 3.3. The officer's report proposed a list of conditions in recommending the grant of permission. The Appellant will work with the Council to agree a suitable list of conditions in advance of the inquiry.

#### 4. Overall Conclusions

- 4.1. The most important Development Plan policies for determination of the Appeal are out of date. Additionally, paragraph 11(d) of the NPPF together with footnote 8 directs that as there is not a five-year supply of housing land in Epsom & Ewell Borough, the tilted planning balance is engaged.
- 4.2. The Appeal Site comprises grey belt land on account of the Site not making a strong contribution to Green Belt purposes (a), (b) and (d); and because there are no NPPF footnote 7 strong reasons for refusal. As such, development of the Site does not constitute inappropriate development in the Green Belt. It would also satisfy the criteria at paragraphs 155, 156 and 157 of the NPPF. As the Appeal Scheme complies with the Golden Rules, this attracts significant weight in favour of the grant of planning permission (paragraph 158 of the NPPF refers).
- 4.3. Any adverse impacts of granting planning permission (i) alleged locational sustainability issues, (ii) localised landscape change and (iii) alleged highway impacts that would prejudice the operation of the local horse racing industry; would not significantly and demonstrably outweigh the benefits. In respect of locational sustainability, the findings of two Inspectors on previous appeals should be given weight.
- 4.4. Alternatively, any harm by reason of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the development to be undertaken at paragraph 153 of the NPPF.
- 4.5. The Appellant will provide evidence on the overall planning balance. This will explain that there are no "strong reasons" for refusing the Appeal Scheme under paragraph 11(d)(i) to the NPPF.
- 4.6. The evidence will also show that any identified adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole. As such, the Appeal Scheme benefits from the presumption in favour of sustainable development.

## 5. Reasons for the Inquiry Procedure

- 5.1. In accordance with the provisions set out in the PINS Guidance 'Criteria for determining the procedure for planning, enforcement, advertisement, and discontinuance notice appeals' (April 2022) (as amended and updated, most recently in August 2024), **an Inquiry will be the most appropriate procedure in this instance because:**
- There is a need for the evidence on landscaping, locational sustainability, highway safety, the application of planning policy, the housing land supply position and planning balance, to be **tested through formal questioning by an advocate.**
  - **The Appeal has generated substantial local interest**, sufficient to warrant an inquiry.
  - The decision is contrary to the detailed recommendation of officers and the reasons for departing from that advice are best explored by cross examination.
- 5.2. As this Appeal is made against the Planning Committee's decision to overturn a clear and unambiguous officer recommendation to grant planning permission, the full case to be advanced by the Council is not yet known to the Appellant.
- 5.3. In response to the Council's reasons for refusal and in addressing the third-party comments upon the Application, which could be complex, evidence is expected to be presented by professional witnesses in the fields of planning, landscape and highways, and potentially additional matters depending on third party representations.
- 5.4. The Appellant currently anticipates calling up to four witnesses.
- 5.5. The Appellant reserves the right to review its position on this following receipt of the LPA's Statement of Case.
- 5.6. There is significant local public interest in the Application, **with 374 neighbour objections submitted, and a petition against the development securing 2,097 signatures.** As such, it is envisaged that the Appeal is likely to require **6 days for the evidence to be considered in full.**
- 5.7. Material facts and matters of opinion are in dispute on a wide range of technical issues, such that evidence will need to be tested through formal questioning by an advocate.
- 5.8. Finally, legal submissions will need to be made in relation to a range of matters, including the application of the NPPF, including the tilted balance of paragraph 11 and the section 38(6) test.

## 6. Costs

6.1 The Appellant intends to make an application for a full award of its costs relating to the appeal. It was unreasonable to refuse planning permission in light of the advice of professional officers on all of the material issues. In particular, but without prejudice to the wider unreasonableness of the decision, it was unreasonable to conclude that the proposal constitutes inappropriate development in the Green Belt in light of the terms of the NPPF relating to development on grey belt land.

## 7. Documents

7.1. The following documents are expected to be relied upon by the Appellant in evidence. The list is not exhaustive. Documents will undoubtedly be added to the schedule in discussion with the Council through preparation of an agreed Core Document List to be prepared for the Inquiry.

- Officer's report to Committee 26<sup>th</sup> February 2026
- Appeal decisions in Epsom & Ewell Borough including, but not limited to, (i) APP/P3610/W/25/3359376 Langley Bottom Farm, Epsom, Surrey KT18 6AP (June 2025), (ii) APP/P3610/W/21/3280881 Langley Bottom Farm, Langley Vale Road, Epsom, KT18 6AP (July 2022)
- Draft Epsom & Ewell Local Plan Regulation 19 – December 2024
- Evidence base studies underpinning the emerging Local Plan
- North Wiltshire District Council v Secretary of State for the Environment and Clover (1993) 65 P. & C.R. 137.
- The NPPF and PPG

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