

PLANNING INSPECTORATE

APPEAL UNDER SECTION 78 OF THE TOWN AND COUNTRY PLANNING ACT 1990

Appeal Ref: APP/P3610/W/26/6006971

LPA Ref: 25/00846/OUT

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

RULE 6 PARTY STATEMENT OF CASE

LANGLEY VALE ACTION GROUP

1. INTRODUCTION

1.1 Langley Vale Action Group ("LVAG") has been granted Rule 6 status in respect of this appeal.

1.2 This Statement of Case sets out the basis upon which LVAG supports the decision of Epsom & Ewell Borough Council to refuse planning permission for up to 110 dwellings at Farm View, Langley Vale Road.

1.3 LVAG submits that the appeal should be dismissed because:

- a. The site does not satisfy the requirements for Grey Belt development under paragraph 155 of the National Planning Policy Framework ("NPPF");
- b. The proposal represents inappropriate development in the Green Belt;
- c. The development would be located in an unsustainable location and would result in significant reliance upon private motor vehicles;
- d. The development would cause substantial and irreversible harm to the Area of Great Landscape Value ("AGLV"), countryside character and Green Belt openness;
- e. The development would adversely affect the operation, safety and long-term viability of the nationally significant horse racing and training industry centred on Epsom Downs;
- f. The development would result in unacceptable ecological impacts including impacts upon protected species and wildlife habitat;
- g. The adverse impacts significantly outweigh the claimed benefits of the proposal.

2. MAIN ISSUES

2.1 LVAG considers that the principal issues before the Inquiry are:

- i. Whether the appeal site constitutes Grey Belt land for the purposes of Annex 2 and paragraph 155 of the NPPF;
- ii. Whether the proposal would be sustainable development;
- iii. Whether the proposal would preserve the openness and purposes of the Green Belt;
- iv. The effect of the development on the AGLV and wider landscape character;
- v. The effect of the proposal upon horse racing and training operations, equestrian safety and the viability of the Epsom Training Grounds;
- vi. The effect of the proposal on biodiversity, protected species and wildlife habitat;
- vii. The overall planning balance.

3. GREEN BELT AND GREY BELT

The Site Performs an Important Green Belt Function

3.1 The appeal site comprises open Grade 3a & 3b agricultural land forming part of the countryside setting of Langley Vale and Epsom Downs.

3.2 The land contributes materially to Green Belt openness, protection of Ancient Woodland and to the purpose of safeguarding the countryside from encroachment as set out in paragraph 143(c) of the NPPF.

3.3 The proposal would introduce a substantial residential development comprising up to 110 dwellings, associated roads, parking, drainage infrastructure, lighting and areas of domestic curtilage.

3.4 Such development would permanently urbanise presently open countryside.

3.5 The resulting loss of openness would be substantial both spatially and visually.

3.6 The Council's most recent Green Belt Study update for the Epsom & Ewell Local Plan 2040 confirms that this site should remain an integral part of the Green Belt because harm from development cannot be mitigated.

Failure to Satisfy Paragraph 155 NPPF

3.6 LVAG does not accept the appellant's contention that the site constitutes Grey Belt land.

3.7 Even if the Inspector concludes otherwise, the proposal must satisfy all criteria within paragraph 155 NPPF.

3.8 The proposal fails paragraph 155(c), which requires development to be located in a sustainable location.

3.9 The evidence demonstrates that future residents would remain heavily dependent upon private car travel for access to employment, education, healthcare, retail and leisure facilities.

3.10 Consequently the proposal does not benefit from the Grey Belt provisions and remains inappropriate development in the Green Belt.

Very Special Circumstances

3.11 If the Inspector concludes that the proposal is inappropriate development, substantial weight must be attached to Green Belt harm.

3.12 The housing benefits relied upon by the appellant do not amount to Very Special Circumstances sufficient to clearly outweigh Green Belt harm together with all other identified harms.

4. SUSTAINABILITY

4.1 Langley Vale remains a relatively isolated settlement with limited services and facilities.

4.2 Inadequate water supply, drainage and sewage infrastructure.

4.3 Public transport provision is limited in frequency, operating hours and connectivity.

4.4 Residents would not have realistic alternatives to private car ownership for many day-to-day journeys; increasing CO2 emissions and undermining climate change objectives.

4.5 While the appellant relies on theoretical walking and cycling routes, such routes do not equate to realistic travel choices for all sectors of the community.

4.6 Particular regard should be given to:

- a. The absence of local healthcare facilities;
- b. Limited retail provision;
- c. Limited employment opportunities within walking distance;
- d. Restricted public transport services; with only one infrequent bus service, no railways station within walking distance as demonstrated by the DfT's Connectivity Score placing it in the bottom 15 percentile across England & Wales;
- e. Topography and seasonal constraints affecting active travel;
- f. Highway constraints to provision of safe cycle routes.

4.7 The proposal would therefore conflict with the objectives of Sections 9 and 13 of the NPPF and relevant local transport policies.

5. LANDSCAPE IMPACT AND THE AGLV

5.1 The site lies within an Area of Great Landscape Value and is adjacent to a Site of Nature Conservation Importance and Ancient Woodland.

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5.2 The designation reflects the recognised quality and sensitivity of the landscape and its contribution to the setting of Epsom Downs within the North Downs National Character Area.

5.3 The site occupies a prominent open slope currently characterised by Grade 3a and 3b agricultural land and open countryside.

5.4 The introduction of a substantial housing development would result in permanent urbanisation of this landscape.

5.5 The loss of openness cannot be mitigated through landscaping.

5.6 Whilst additional planting may soften views over time, it cannot restore the fundamental landscape character that would be lost and it would be likely to outcompete and crowd out native, slow growing chalk flora that would now be replaced by fixed 2 storey structures and roadways

5.7 The development would materially alter the character of the valley and the experience of those using surrounding public rights of way, open spaces and recreational routes.

6. HORSE RACING AND TRAINING INDUSTRY AND EQUESTRIAN SAFETY

National Significance

6.1 Epsom Downs Racecourse and the associated training grounds are nationally significant sporting, economic and heritage assets.

6.2 The racecourse and training grounds form a defining part of the identity of Epsom and contribute substantially to the local economy with the estimated impact of commercial activity at over £56m pa with the economic impact of the training grounds a further £3m pa.

Operational Impact

6.3 The appeal site is located adjacent to established horse movement routes serving the training yards and the established training gallops used throughout the year.

6.4 Daily horse movements occur between training yards and gallops using Langley Vale Road and associated bridleways.

6.5 The proposal would introduce:

- a. Additional vehicular traffic;
- b. Increased pedestrian activity;
- c. Increased cycle movements;
- d. Additional recreational use of routes currently used by racehorses.

6.6 These changes would increase interactions between horses and other users and would conflict with the recently agreed Statement of Common Ground between EEBC and Jockey Club Racehorses which proposes the inclusion of a Racehorse Movement Corridor along the frontage to the site on the Proposals Map to the Epsom & Ewell Local Plan 2040 to ensure the safety of racehorses travelling between training yards and the training grounds.

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6.7 Racehorses differ significantly from domestic riding horses and are particularly sensitive to noise, movement and unexpected stimuli.

Bridleway 127

6.8 Particular concern arises in relation to Bridleway 127 and associated access routes used by racehorses travelling to the training grounds.

6.9 The appellant has failed to demonstrate that increased residential use would not prejudice the safe operation of these routes. No provision nor sensitivity noted in appellants' plan regarding safeguarding users of the well-used bridleway

Economic and Heritage Consequences

6.10 Harm arising from the proposal is not limited to highway safety considerations.

6.11 The Inquiry should also consider:

- a. The economic contribution of the racing industry;
- b. The viability of training operations;
- c. Heritage and cultural significance;
- d. Long-term sustainability of racing activity at Epsom Downs.

7. ECOLOGY, WILDLIFE AND PROTECTED SPECIES

Ecological Importance of the Site

7.1 The appeal site forms part of a wider ecological network linking agricultural land, hedgerows, woodland edges, scrub habitat and wildlife corridors associated with Langley Vale, The Warren Ancient Woodland and the wider Epsom Downs landscape including the Site of Nature Conservation Importance.

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7.2 The site provides habitat, foraging opportunities and movement corridors for a range of notable protected species, species associated with the rural landscape.

7.3 Whilst the appellant relies upon biodiversity enhancement proposals, such measures do not remove the fact that development would result in the permanent loss and fragmentation of existing habitat, and over time irreparably impact on the whole valley's present rare and fragile eco-system. The appellant's biodiversity enhancement proposal fails to acknowledge the fact that the site provides an important function in habitat connectivity to enable the functionality of the ecosystems within the Green Belt Area of Great Landscape Value. As such, as this aspect is not adequately valued the calculation regarding biodiversity enhancement is flawed

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Protected Species and the Precautionary Principle

7.4 The NPPF requires planning decisions to contribute to and enhance the natural environment and to minimise impacts on biodiversity.

7.5 Where uncertainty exists regarding protected species, no adequate survey was undertaken for protected species. Such surveys take into account the seasonality of feeding/nesting and normally apply well-rehearsed methodologies to comprehensively evaluate. Planning decisions should be informed by adequate survey evidence before permission is granted.

7.6 LVAG submits that significant uncertainty remains regarding the extent of protected species activity within the appeal site.

Badgers

7.7 Particular concern arises in relation to badgers and associated habitat.

7.8 The Chairman of the West Surrey Badger Group, Mr Robert Shatwell, who has over thirty years' practical experience in relation to badgers, undertook a number of site inspections between August 2025, Feb and May 2026. During these inspections he recorded extensive evidence of badger activity including:

- a. Multiple badger latrines;
- b. Well-established badger pathways;
- c. Access routes connecting the site to adjacent land and residential gardens;

- d. Badger hair recovered from a boundary fence;
- e. A five-hole badger sett within the north-eastern corner of the site;
- f. Additional sett entrances and associated activity indicative of an active sett complex.

7.9 Mr Shatwell concluded that there may be up to three separate badger setts associated with the site and that badgers are using the site as both habitat and home territory.

7.10 The accompanying photographic evidence demonstrates sett entrances and fresh badger activity within the site boundaries.

7.11 Badgers and their setts are protected under the Protection of Badgers Act 1992.

7.12 LVAG submits that the evidence gathered by the West Surrey Badger Group raises serious concerns regarding the adequacy and completeness of the ecological assessment supporting the appeal proposal which claimed that there was no recent badger activity

7.13 The Council's committee report acknowledged concerns raised by the West Surrey Badger Group and accepted that further badger monitoring surveys would be required prior to commencement of development. This demonstrates that the ecological position was not fully resolved at the time of determination.

7.14 The requirement for future surveys should not be used as a substitute for establishing the true ecological baseline before planning permission is granted.

7.15 LVAG submits that the existence of active badger setts and associated habitat adds further weight to the ecological harm arising from the proposal.

Cumulative Ecological Harm

7.16 The proposal would result in:

- a. Loss of greenfield habitat and unrecoverable damage to the existing ecosystems and to some key habitats;
- b. Increased recreational pressure on surrounding habitats;
- c. Disturbance from lighting, traffic and human activity;
- d. Fragmentation of wildlife corridors;
- e. Potential impacts upon protected species including badgers and nesting skylarks, **including** fatal losses of badgers during nocturnal feeding and foraging due to overlay of housing development road networks **on existing** pathways and foraging routes used by badgers

7.17 These impacts weigh materially against the development.

8. GRADE 3a & 3b AGRICULTURAL LAND AND COUNTRYSIDE CHARACTER

8.1 The proposal would result in the permanent loss of more than five hectares of Grade 3a & 3b agricultural, 49% of which is categorised as Best and Most Versatile Agricultural **Land**.

8.2 The site contributes to the rural character and visual setting of Langley Vale.

8.3 The proposed development would replace open agricultural countryside with suburban built form.

8.4 This change would be permanent and irreversible.

9. PLANNING BALANCE

9.1 LVAG recognises the Council's housing land supply position and the benefits associated with additional housing delivery.

9.2 LVAG also acknowledges the proposed provision of affordable housing.

9.3 However, those benefits must be weighed against:

- a. Green Belt harm;
- b. Loss of openness;
- c. Landscape harm;
- d. Harm to countryside character;
- e. Harm to the setting of Epsom Downs;
- f. Adverse impacts on horse racing and training operations and the well established economic contribution of the racing industry to Epsom
- g. Unsustainable patterns of travel;
- h. Ecological harm and unresolved impacts upon protected species;
- i. Loss of wildlife habitat and biodiversity interest. Impact on documented active badger population

9.4 The cumulative effect of those harms attracts substantial weight.

9.5 The benefits relied upon by the appellant do not clearly outweigh those harms.

10. CONCLUSIONS

10.1 The proposal fails to satisfy the requirements of paragraph 155 NPPF.

10.2 The development remains inappropriate development in the Green Belt.

10.3 The proposal would cause substantial harm to openness, landscape character and the AGLV.

10.4 The site is not a sustainable location for development of this scale. The scheme exacerbates the existing issues of poorly performing utility networks and do not form part of the capital works programmes for such utility companies

The scheme further exacerbates the existing need for private car use due to poor public transport and lack of proximity to railway stations

10.5 The proposal would adversely affect the nationally significant horse racing and training industry and associated equestrian operations.

10.6 The proposal would result in unacceptable ecological impacts and unresolved concerns regarding protected species, including badgers.

10.7 The adverse impacts of the proposal significantly and demonstrably outweigh the benefits.

10.8 Accordingly, Langley Vale Action Group respectfully requests that the Inspector dismiss the appeal and uphold the Council's decision to refuse planning permission.

Documents

This list of documents is not exhaustive as we would expect to add documents as the process develops with the agreed bundle being finalised ahead of the hearing

- Draft Epsom & Ewell Local Plan
- NPPF
- Case Officers Committee Report
- Rule 6 Party Application Letter
- LVAG Objection Letter
- Jockey Club Objection Letter
- Epsom and Walton Training Grounds Management Board Limited Objection Letter
- Ecology Survey
- Transport Objection Letters
- Statement of Common Ground (SoCG) is between Epsom & Ewell Borough Council (EEBC) and Jockey Club Racecourses (JCR) in relation to the Epsom & Ewell Local Plan 2040.
- Green Belt Topic Paper together with post hearing documents
- Various Appeal Cases
- Epsom Downs Racecourse Economic Impact Report
- Documents submitted by the applicant

Langley Vale Action Group Rule 6 Party