

EPSOM AND EWELL BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

SECTION 78 APPEAL

Appeal by Fairfax Aspire Ltd against the refusal of planning permission by
Epsom and Ewell Borough Council of

“Outline application for up to 110 dwellings including affordable homes (all matters reserved except access from Langley Vale Road).”

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

Planning Inspectorate Reference: 6006971

Council Reference: 25/00846/OUT

Summary Proof of Evidence of Christopher Whitehouse BSc (Hons)
MRICS, RICS Accredited Expert Witness

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1.0 Introduction

1.1 My proof of evidence considers the main issues in this appeal, which is set out as follows:

1. Whether the proposed development is considered to constitute inappropriate development.
2. The effects of the proposed development on the openness and purposes of the Green Belt.
3. In addition to the potential harm to the Green Belt, what, if any, other harm is there?
4. Whether Very Special Circumstances Exist

2.0 Whether the proposed development is considered to constitute inappropriate development.

2.1 I have concluded that the appeal does not comply with National Policy GB7 part 1g) of the Framework, and as such does not benefit from the exception the Policy provides. In having regard to the relevant policies of the Development Plan, the proposal is therefore considered to be inappropriate development in the Green Belt. By virtue of Policy GB6 part 2 of the Framework, the proposed development is therefore harmful to the Green Belt and this carries substantial weight.

3.0 The effects of the proposed development on the openness and purposes of the Green Belt.

3.1 Having already concluded that the proposal is inappropriate development in the Green Belt and is by definition harmful to the Green Belt, additionally I conclude that the proposal would result in substantial harm to Green Belt openness and would conflict with four purposes of the Green Belt, one of them to a significant level. I conclude that the harm to the Green Belt arising from these matters attract substantial weight against the proposal and that the proposal would be in conflict with the Framework, Policies CS 2 of the CS and Policies DM1 and DM3 of the DMPD.

4.0 In addition to the potential harm to the Green Belt, what, if any, other harm is there?

4.1 The sustainability of the location

I have relied on the evidence of Mr Dukes and concluded that the proposal would be in an unsustainable location with a lack of access to public transport and walking and cycling options. The impacts would be an excessive reliance on private car usage and a failure in both limiting the need to travel and in offering a genuine choice of transport modes. The failure to prioritise sustainable

transport modes conflicts with Chapter 15 of the Framework, Policy CS16 of the CS and Policy DM10 of the DMPD. In my judgment the harm should be ascribed very significant weight in the consideration of planning balance.

4.2 *The effects of the development on landscape character and visual impacts on the landscape setting*

I have relied on the evidence of Mr Drummond, who concludes that the proposal would cause “*will cause significant harm to the landscape character of the surrounding ‘UE3 Epsom Downs’ LCA, ‘Langley Vale Centenary Wood and its setting’ and ‘Site Setting and Overall Character’ the proposed development will also cause significant harm to the surrounding Area of Great Landscape Value*”. He concludes that there is insufficient available space to fully mitigate for this harm and that any mitigation would impact on the baseline openness of the Site.

4.3 I agree with Mr Drummond’s conclusions. He has otherwise concluded that the proposed development will not be able to limit some of those adverse impacts through mitigation, providing significant adverse effects that fail to accord with the Development Plan. I agree with his conclusion and in my judgment the harm should be ascribed significant weight in the consideration of planning balance.

4.4 *The effects of the development on the significance of designated heritage assets*

I conclude that against the tests provided in National Policy HE6 part 4 of the Framework, the proposal provides sufficient public benefits to outweigh the harm (which is not substantial harm) identified to the significance of the affected heritage asset. Notwithstanding this conclusion, the heritage harm must be weighed in the overall planning balance, as “other harm”, having concluded that the development is inappropriate development in the Green Belt. I ascribe moderate weight to the harm, to the lower end of the spectrum, the proposal provides to the heritage asset.

4.5 *Best and Most Versatile Agricultural Land*

I conclude that taking the appeal site, including 2.6ha of BMVAL, permanently out of potential arable production would have some effect on potential agricultural productivity in the locality, albeit with a negligible impact on food security, nationally. Overall, in having regard to National Policy N2 part 1b) and in otherwise finding no policy conflict, I nonetheless consider that the appeal scheme would result in an adverse effect of limited significance insofar as it would impact on agriculture, and that this limited harm needs to be considered within the planning balance.

5.0 Whether Very Special Circumstances Exist

5.1 Benefits

The Council has considered the benefits advanced by the Appellant and agreed the following are benefits of the scheme in planning terms:

- Provision of up to 110 new homes including 50% affordable housing.
- Economic benefits including job creation during construction and economic spend of residents into the local economy.
- Proposed delivery of public open space, children's play area and landscaping.
- Enhancement of Langley Bottom Farm Site of Nature Conservation Importance.
- Biodiversity Net Gain ("BNG").

5.2 I have ascribed very significant weight to the provision of housing supply including affordable housing, significant weight to the delivery of BNG, and moderate weight to the economic benefits, provision of open space and a LEAP area, and enhancement of Langley Bottom Farm SNCI, respectively.

6.0 Planning Balance and Conclusions

6.1 I have concluded that the proposal is inappropriate development in the Green Belt, and this by definition will be harmful to the Green Belt. I have concluded that the proposal would result in substantial harm to openness and would conflict with four purposes of the Green Belt, one of them to a significant level. The harm to the Green Belt arising from these matters attracts substantial weight against the proposal.

6.2 With regard to "other harms" I have concluded that the proposal is in an unsustainable location and fails to prioritise sustainable transport modes. In my judgment this harm should be ascribed very significant weight. I have concluded that the proposal would have an unacceptable visual impact on the landscape setting and on the wider landscape character of the countryside. In my judgment this harm should be ascribed significant weight. I have ascribed moderate weight to the harm the proposal would provide to a Grade II listed heritage asset and limited weight to the loss of BMVAL. I conclude that the proposal provides conflict with CS Policies CS2, CS5 and CS16 and DMPD Policies DM1, DM3, DM9 and DM10, together with the Framework, which itself amounts to harm to be included within the balance.

6.3 Whilst I acknowledge the benefits of the proposal, I do not consider that these clearly outweigh the substantial harm that would be caused to the Green Belt, including to its openness and its purposes, to the harm the proposal would offer as a result of being in an unsustainable location and to landscape character and visual impacts; the harm to a heritage asset and as a result of loss of BMVAL. I therefore conclude that the proposal is contrary to the aforementioned policies of the Development Plan, together with the Framework. Therefore, the proposed development is contrary to the development plan overall, and this conflict is not outweighed by other material considerations.

6.4 Conclusion

Accordingly, I invite the Inspector to dismiss the appeal.