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planning

CD6.2

**TOWN AND COUNTRY PLANNING ACT 1990 SECTION 78
(AS AMENDED)**

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, including affordable homes (all matters reserved except access from Langley Vale Road)

PROOF OF EVIDENCE RELATING TO TOWN PLANNING MATTERS

Prepared by:
Steven Brown BSc Hons DipTP MRTPI
Woolf Bond Planning Ltd

On Behalf of:
Fairfax Aspire Ltd

August 2026

PINS Ref: 6006971
WBP Ref: 9204
LPA Ref: 25/00846/OUT



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SB1 Heritage Impact Assessment (T Copp, TCMS Heritage) (Aug 2026)

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QUALIFICATIONS AND EXPERIENCE

Steven Brown will say:

I hold a Bachelor of Science and Post Graduate Diploma in Town and Country Planning, and I am a Member of the Royal Town Planning Institute.

I am the Managing Director of Woolf Bond Planning Ltd – Chartered Town Planning Consultants. I have been engaged in town planning with more than 20 years' experience as a private consultant acting for major house builders, development companies, estates and private individuals. Housebuilder clients include Bloor Homes, Bargate Homes, Barwood Land, Bellway, City & Country, Croudace Homes, Dandara, Foreman Homes, Griggs Homes, Persimmon Homes, Redrow Homes, Taylor Wimpey, and Thakeham Homes, as well as strategic land promoters, including CEG and Fairfax (the "Appellant").

I am an expert planning witness, having appeared at numerous S.78 inquiries, Hearings and Local Plan Examinations.

I have visited the Appeal Site and its surroundings on numerous occasions. I have examined the relevant plans and documents for the purpose of the Appeal.

The evidence which I have prepared and provide for the Appeal is true and has been prepared, and is given, in accordance with the guidance of my professional institution. I confirm that the opinions expressed are my true and professional opinions.

1. INTRODUCTION AND EXECUTIVE SUMMARY

The Scope of My Evidence

- 1.1. This Appeal is made by Fairfax Aspire Ltd ("the Appellant") against the decision by Epsom & Ewell Borough Council ("EEBC") to refuse an outline planning application for development of the Appeal Scheme (LPA Ref: 25/00846/OUT).
- 1.2. The Appeal Scheme is in outline and proposes the demolition of an existing dwelling and the erection of up to 110 dwellings (including 50% affordable housing), new public open spaces, landscaping, and associated infrastructure works together with access from Langley Vale Road. Appearance, landscaping, layout and scale are reserved for subsequent determination.
- 1.3. My evidence addresses the s.38(6) planning balance, and considers the acceptability of the Appeal Scheme in the context of the overarching planning policy context, drawing upon the evidence from the expert witnesses on the topic-specific considerations I reference below.
- 1.4. This is a case where there was an Officer Report to the Council's Planning Committee setting out a clear and unambiguous recommendation to approve the Appeal Scheme (**CD3.1**), which Members rejected.
- 1.5. I am of the opinion that the Council's continued pursuit of the Members' reasoning in resolving to refuse planning permission amounts to unreasonable behaviour¹, particularly where the Council's professional officers recommended approval (i) on account of the Appeal Site comprising grey belt land, being in a sustainable location, and meeting the Golden Rules, which conclusion was reviewed and supported by Counsel for the Council (**CD3.1**, paragraph 9.59 refers); and (ii) in the alternative, it would be appropriate under the Policy GB6 assessment in the new NPPF (paragraph 153 assessment in the previous NPPF) (**CD3.1**, paragraph 26.2 refers).

¹ Paragraph: 049 Reference ID: 16-049-20140306

- 1.6. On the day before the original deadline for the submission of evidence, the Government issued a new NPPF (Aug 2026) (**CD5.4**). In the limited time available before the submission of evidence, I have not had time to rewrite my evidence to deal with all the policies (and paragraphs) in the new NPPF. Rather, as agreed with the Planning Inspectorate, these will be addressed in supplementary written submissions at a later date. However, and notwithstanding, I have tried, where possible, to include the new NPPF references where I think it would assist the Inspector.
- 1.7. Ultimately, there is nothing in the new NPPF that changes my conclusion on the acceptability of the Appeal Scheme. This includes the application of new NPPF policies GB2, GB6, GB7, GB8 and the presumption in favour of sustainable development at Policy S3 and S5(5).
- 1.8. The officer recommendation to grant planning permission was informed by the collaborative approach to the Appeal Scheme design that was undertaken between the Appellant and Local Planning Authority ("LPA") prior to and during the assessment of the Scheme by Officers, reflecting the approach at paragraphs 40 to 47 of the previous NPPF.
- 1.9. In the context of paragraph 38(6), this is a situation where the material considerations I have identified justify the grant of planning permission otherwise than in accordance with the Development Plan.
- 1.10. Whilst the Appeal Site is located in the Green Belt, beyond the settlement policy boundary for Langley Vale, as defined in the adopted Core Strategy (2007) (**CD4.1**), and Development Management Policies Document (2015) (**CD4.2**), the settlement boundaries were not drawn to meet current needs.
- 1.11. It is my position that the Development Plan is manifestly out of date on account of (i) the failure of the Development Plan to meet housing needs, resulting in a need to breach the settlement boundaries to meet identified housing needs, (ii) the demonstrable lack of a five year housing land supply of deliverable housing land; and (iii) the Council's 2025 Housing Delivery Test result (**CD5.5**), which, at 33%, is one of the 13 worst performing Authorities in the Country (**SB2**), means that the presumption in favour of sustainable development is engaged, separate from points (i) and (ii).

- 1.12. The Appeal Site is located within the Green Belt. However, the locality has twice been found to be a sustainable location by the Planning Inspectorate (**CD15.1** and **CD15.2**) (a point highlighted by Officers in their Report to Committee (**CD3.1**), paragraphs 9.44 to 9.59 refer), which location adjoins Langley Vale and the day-to-day services and facilities it provides.
- 1.13. Overall, the Appeal Site offers a sustainable location to meet housing needs, which position accords with the approach at paragraphs 110 and 115 of the previous NPPF (**CD5.1**), and Policy TR3 of the new NPPF (**CD5.4**).
- 1.14. It is my view that the Appeal Site does not make a strong contribution to purposes (a), (b), or (d) at paragraph 143 of the old NPPF, and Policy GB2 of the new NPPF, such that the proposed development would utilise grey belt land. This also represents the agreed position with the Council, as set out in their Statement of Case (**CD7.1**) and as agreed in the overarching Planning SoCG (**CD9.1**).
- 1.15. In this Appeal it is the Council's case, contrary to their Officers' recommendation to grant planning permission (**CD3.1**), and the findings of two Planning Inspectors (**CD15.1** and **CD15.2**), that the Appeal Site is not sustainably located, thus not meeting the requirements of paragraph 155 (c) of the old NPPF, which has been replaced by the same test at Policy GB7(1)(g)(iii) of the new NPPF.
- 1.16. I find this conclusion to be unreasonable, particularly in light of the aforementioned appeal decisions and the context within which the location of the Appeal Site is to be considered in relation to the opportunities (or lack of) to meet the Council's housing needs in more sustainable locations.
- 1.17. For the purpose of my evidence, I identify two scenarios under which the Appeal Scheme could fall to be considered.

Scenario 1 – The Appeal Site is found to comply with NPPF Policy GB7(i)(g) (previously para 155)

- 1.18. Scenario 1 represents my position for this inquiry, namely that the Appeal Scheme falls to be positively determined under Policy S3, S5 and GB7(1)(g) of the new NPPF (paragraph 11(d) of the previous NPPF).
- 1.19. This is based on my assessment, which is agreed with the Council (paragraph 4.21 of the Planning SoCG refers (**CD9.1**)), that the Appeal Scheme 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 I conclude there are no NPPF footnote 7 strong reasons for refusal (which test is no longer applicable as it is not included in the new NPPF); the Site is sustainably located; there is a demonstrable unmet need for the nature of development proposed, and the Golden Rules at NPPF Policy GB8 (the old paragraph 156 test) are met. The Appeal Scheme is not inappropriate development in the Green Belt due to compliance with policies GB7(1)(g), GB8 and S5(5)).
- 1.20. Importantly, the Council's Report to Committee (**CD3.1**) supports this view and two recent appeal decisions (**CD15.1** and **CD15.2**) have confirmed the context within which the Appeal Site is located is sustainable.

Scenario 2 – The Appeal Site is Found Not to Comply with NPPF Policy GB7(1)(g)

- 1.21. In this alternative scenario, which reflects the position in the Council's Statement of Case for this Inquiry (**CD7.1**), which is directly opposed to their Professional Officer's advice (with Officers recommending that planning permission be granted on account of the Appeal Scheme being sustainably located and thus complying with NPPF paragraph 155² (the new Policy GB7(1)(g) test in the NPPF) which recommendations were informed by two appeal decisions³ that found the locality of the Site to be a sustainable location), should the Inspector find the Site is not sustainably located, the Appeal Scheme would fall to be determined under Policy GB6(2) of the new NPPF (paragraph 153 of the previous NPPF).

² **CD3.1** and **CD3.2** refer

³ **CD15.1** and **CD15.2**

My Position

- 1.22. At the outset, I conclude that the Appeal Site would utilise grey belt land, and should be allowed through this Appeal process, under the approach at GB7(1)(g) of the NPPF (paragraph 155 of the previous NPPF) (my scenario 1) as:
- i) It does not strongly contribute to any of purposes (a), (b) or (d) in Policy GB2 of the NPPF (paragraph 143 of the previous NPPF).
 - ii) There are no NPPF footnote 7 considerations that represent a strong reason(s) for refusal; which test is no longer applicable as it does not feature in the new NPPF.
 - iii) The Appeal Scheme would not fundamentally undermine the purposes (taken as a whole) of the remaining Green Belt across the plan area. This satisfies Policy GB7(1)(g)(i) (previously paragraph 155(a)) of the NPPF.
 - iv) Consistent with Policy GB7(1)(g)(ii) of the NPPF (paragraph 155 (b) of the previous NPPF), the undisputed housing land supply position and the mismatch in supply and demand for market homes and affordable housing provision clearly evidence that there is a demonstrable unmet need for the type of development proposed.
 - v) The Site is in a location, which has twice been found by the Planning Inspectorate to be sustainable (**CD15.1 and CD15.2**), thus complying with Policy GB7(1)(g)(iii) of the NPPF (paragraph 155 (c) of the previous NPPF).
 - vi) The Scheme satisfies the Golden Rules at Policy GB7(1)(g)(iv) and GB8 of the NPPF (paragraphs 155 (d), 156 and 157 of the previous 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.

- 1.23. Because the Appeal Scheme complies with the Golden Rules, this carries substantial weight in favour of the grant of planning permission (Policy GB8(2) of the NPPF refers (paragraph 158 of the previous NPPF)).
- 1.24. The Appeal Scheme is not inappropriate development in Green Belt terms, and should be positively determined in accordance with NPPF policies S3(1)(b), S5(1) and (5); as well as GB7(1)(g) and GB8.
- 1.25. In my scenario 1, the Appeal Scheme is not inappropriate development, and the very special circumstances required to justify Green Belt harm do not need to be demonstrated.
- 1.26. I have then carried out a planning balance, concluding that the harms (also termed the 'adverse impacts') identified in that scenario relating to (i) conflict with the Development Plan, (ii) localised landscape harm; and (iii) loss of 3a BMV agricultural land, do not come anywhere near to substantially outweighing the benefits, when assessed against the policies in the NPPF taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
- 1.27. However, and in the alternative (my scenario 2), should the Inspector consider that the Appeal is not sustainably located for the purposes of NPPF Policy GB7(1)(g)(iii) (paragraph 155(c) in the previous NPPF), such that the Appeal Scheme would represent inappropriate development in the Green Belt, I have also gone on to assess 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. I conclude they do.
- 1.28. Overall, it is my evidence for this inquiry that the Appeal Scheme should not be regarded as inappropriate development in the Green Belt, on account of satisfying the grey belt test and meeting the Golden Rules.

- 1.29. Between the Appeal Application being submitted to the EEBC (July 2025) and subsequently refused (March 2026), the Government published a draft NPPF for consultation (Dec 2025) (**CD5.2**), accompanied by a written Ministerial Statement (**CD16.6**). The new NPPF was subsequently published on 17 August 2026 (**CD5.4**), accompanied by a Press Release (17 Aug 2026) (**CD16.7**).
- 1.30. Chapter 6 of the new NPPF reaffirms the Government's commitment to addressing the national housing crisis. It also sets out continued support for the development of suitably located sites in the Green Belt that address an evidenced unmet need (which the Appeal Scheme does).
- 1.31. As I explain in section 2 below, the Appeal Site is in an inherently sustainable location, within walking distance of services and facilities within Langley Vale. The locational merits in accessibility terms have twice been ratified by the Planning Inspectorate (**CD15.1** and **CD15.2**).
- 1.32. In setting out my evidence, I apply the following weighing scale to the harms/benefits:
- Substantial
 - Very significant
 - Significant
 - Moderate
 - Limited
 - Very limited

Accompanying Evidence

- 1.33. Evidence has been prepared by the following witnesses on behalf of the Appellant:
- Ms Annie Gingell – Affordable Housing (**CD6.3**)
 - Mr Thomas Copp – Heritage (**SB1**)
 - Mr Andrew Smith – Landscape (**CD6.4**)
 - Mr Paul Whitby – Ecology (**CD6.5**)
 - Mr Phil Hamshaw – Highways & Transport (**CD6.6**)

1.34. I have adopted the findings and conclusions of the witnesses for the Appellant in coming to my judgement as to the overall merits of the Appeal Scheme.

Statements of Common Ground

1.35. To assist the Inspector, and to reduce the issues to be addressed in evidence, the Appellant, and EEBC and Surrey County Council ("SCC") as the Local Highway Authority ("LHA") have sought, where possible, to agree a position on relevant matters.

1.36. The topic-based Statements of Common Ground ("SoCG") agreed between the Appellant and EEBC comprise as follows:

- Planning SoCG (**CD9.1**)
- Landscape SoCG (**CD9.2**)
- Ecology SoCG (**CD9.3**)
- Heritage SoCG (**CD9.4**)
- Affordable Housing SoCG (**CD9.5**)

1.37. The Highways & Transport SoCG is at **CD9.6**. This has been agreed between the Appellant and SCC Highways.

Areas of Agreement

1.38. As explained in section 5 of the Planning SoCG (**CD9.1**), the matters now agreed between the Appellant and EEBC are extensive, comprising as follows:

- 1) It is accepted that the Council is not able to demonstrate a five-year supply of deliverable housing land against the Standard method (a 1.6 year supply, and a shortfall of 3,402 dwellings).
- 2) The Development Plan policies for the supply of housing are out of date.
- 3) It is agreed that paragraph 11(d) of the NPPF is engaged (I expect this to be updated to reflect the reference(s) from the new NPPF)

- 4) It is agreed that the Site is not within a valued landscape⁴.
 - 5) It is agreed that the Appeal Scheme is acceptable in drainage terms and can be made safe for its lifetime.
 - 6) It is agreed that the Appeal Scheme is acceptable in relation to ecological matters, subject to ensuring the necessary mitigation.
 - 7) It is agreed that there are no footnote 7 designations (other than Green Belt) that provide a strong reason for refusal (which is no longer a test included in the new NPPF).
 - 8) It is agreed that, having regard to paragraph 215 of the NPPF, the public benefits of the Appeal Scheme outweigh the purported harm to the setting of nearby Grade II listed buildings (new NPPF Policy HE6 refers).
 - 9) It is agreed that the Appeal Site does not make a strong contribution to Green Belt purposes (a) (as Langley Vale is a village not a town), or (b). It is also agreed that purpose (d) is not applicable as Langley Vale is not a historic town. It is also agreed that there is no conflict with purpose (e).
 - 10) It is accepted that the provision of up to 110 dwellings from the Appeal Scheme is a benefit. Whilst the Council agreed to attributing weighting to this benefit, they reneged on doing so in the final Planning SoCG. In accordance with the approach at Policy HO7 of the NPPF, I attribute substantial weight to market homes, with the affordable homes separately attracting substantial weight.
 - 11) If the Inspector concludes the Appeal Site/Scheme is grey belt, which position is agreed with the Council, is sustainably located (the advice of the Council's professional officers, supported by a Counsel review), and it accords with the Golden Rules, the proposal represents appropriate development and should be positively determined in accordance with the presumption in favour of sustainable development in the NPPF.
- 1.39. As confirmed in the Highways SoCG (**CD9.6**), the Appeal Scheme provides safe and suitable access for all. Importantly, it is agreed that the Appeal Scheme will not prejudice the safety of highway users.
- 1.40. During the preparation of the Planning SoCG, the Council agreed to remove Reason for Refusal 4 relating to the impact of the Appeal Scheme on equestrian movements. This was expected, given the agreement reached with County Highways. However, I note that the R6P continues to

⁴ The term 'valued Landscape' does not appear in the new NPPF. Rather, it refers to 'Protected Landscapes', comprising National Parks, the Norfolk and Suffolk Broads and National Landscapes. The Appeal Site does not fall within any of these categories. As such, the Appeal Site is not a Protected Landscape.

object to the Appeal Scheme on that basis. Evidence has been prepared by Mr Hamshaw to address this issue (**CD6.6**).

1.41. I am of the opinion that the R6P's continued pursuit of this issue is unreasonable given the position of the statutory highway authority and the local planning authority.

Areas of Disagreement

1.42. As set out in section 6 of the Planning SoCG (**CD9.1**), the issues that remain in dispute between the Appellant and EEBC are narrow, relating to the following considerations:

- 1) Whether the Site is sustainably located with respect to Section 9 and paragraph 155 of the previous NPPF (Reason for Refusal 1) (My understanding is this is now section 15 of the new NPPF, including Policy TR3 (to be confirmed between the parties)).
- 2) Whether the Appeal Site strongly contributes to purpose (c) of paragraph 143 of the previous NPPF (Policy GB2 in the new NPPF), noting that the Officer Report to Committee at **CD3.1** identifies the contribution as 'moderate'. The Council do not consider the Officer Report to be a part of their appeal case but recognises it is a material consideration for the Inspector.
- 3) Whether the proposal is inappropriate development within the Green Belt. If the Appeal Site is found to be unsustainably located and so does not benefit from the exception of paragraph 155 (Policy GB7(1)(g) in the new NPPF), whether the proposal is therefore subject to the paragraph 153 balance (Policy GB6(2) in the new NPPF), and whether potential harm to the Green Belt and any other harm is clearly outweighed by other circumstances, so as to amount to very special circumstances to justify the grant of planning permission (Reason for Refusal 2).
- 4) Whether the Appeal Scheme would harm Green Belt openness.
- 5) The extent to which the Appeal Scheme would have an adverse impact on the landscape and the surrounding area (Reason for Refusal 3).
- 6) The extent to which the AGLV is an active local landscape designation (Reason for Refusal 3).
- 7) The impact of the Scheme upon the character and appearance of the area (Reasons for Refusal 2 and 3).
- 8) The weight to be ascribed to the agreed benefits of the proposal, including whether weight ascribed to affordable housing provision is distinct from the weight ascribed to contribution to housing supply.

9) The scale to be used to ascribe weight to benefits.

- 1.43. As the Planning SoCG (**CD9.1**) explains, the only dispute in relation to whether the Appeal Scheme accords with NPPF paragraph 155 (c) (Policy GB7(1)(g)(iii) in the new NPPF) is whether the Site is sustainably located or not (**CD9.1** paragraph 6.1 refers).
- 1.44. Informed by the findings of two previous Planning Inspectors (**CD15.1** and **CD15.2**), the assessment undertaken by Mr Hamshaw (**CD6.6**), the Highways SoCG (**CD9.6**) and the officers' assessment of the Scheme (**CD3.1**), I am of the view that the Appeal Site is sustainably located with regard to Policy TR3 of the new NPPF (paragraphs 110, 115, and 155 of the previous NPPF). Including on account of the evidence prepared by Mr Hamshaw (**CD6.6**), I am of the opinion that it is unreasonable for EEBC and SCC to maintain a position to the contrary.
- 1.45. The other matters of dispute set out in section 6 of the Planning SoCG (**CD9.1**) are addressed in evidence prepared by the respective parties.

Third Party Representations

- 1.46. Notwithstanding the extensive list of matters that have been agreed between the Appellant and EEBC (as well as the LHA on highways), the Langley Vale Action Group ("the Group") wrote to PINS on 3rd June 2026 seeking formal Rule 6 Status with the intention of producing evidence on the following topic areas:
- Green Belt and grey belt
 - Landscape and Visual Impact
 - Impacts upon the Horse Racing Industry
 - Sustainability and Local Infrastructure
 - Ecology, Biodiversity, and Ancient Woodland
 - Heritage impacts
 - Impacts upon the Local Bridleway network
- 1.47. Rule 6 status was conferred to the Group by correspondence from PINS dated 5th June 2026.

- 1.48. During the case management conference held with the Inspector on the 22nd June 2026, the Group's spokesperson, Mr Carl Thomas MSc, confirmed that the Group's objection regarding Ancient Woodland impact is landscape and ecology based rather than considering there are any adverse impacts arising upon the Ancient Woodland itself.
- 1.49. Mr Thomas also confirmed that matters pertaining to heritage and loss of agricultural land (a matter not raised in their letter to PINS seeking R6 status) could be addressed through SoCGs on the matters (albeit addressing through evidence may also be required).
- 1.50. The matters raised by the Group are comprehensively addressed in the Officer Report and Update Report to Planning Committee upon the Appeal Application (**CD3.1** and **CD3.2**).
- 1.51. The Jockey Club also raised an objection to the Appeal Application, which matters are set out in their objection to the Planning Application by letter dated 12 August 2025 (**C3.22**). The matters raised are comprehensively addressed in the Officers' Report to Planning Committee (**CD3.1**, pdf pages 12-16, and paragraphs 18.57 to 18.63) and section 5 of Mr Hamshaw's evidence on behalf of the Appellant (**CD6.6**, section 5 refers).
- 1.52. The Appellant reserves the right to address any issues raised by the objector groups once their Proofs are provided on 20 August 2026.

2. THE CONTEXT OF EPSOM & EWELL BOROUGH, AND THE APPEAL SITE

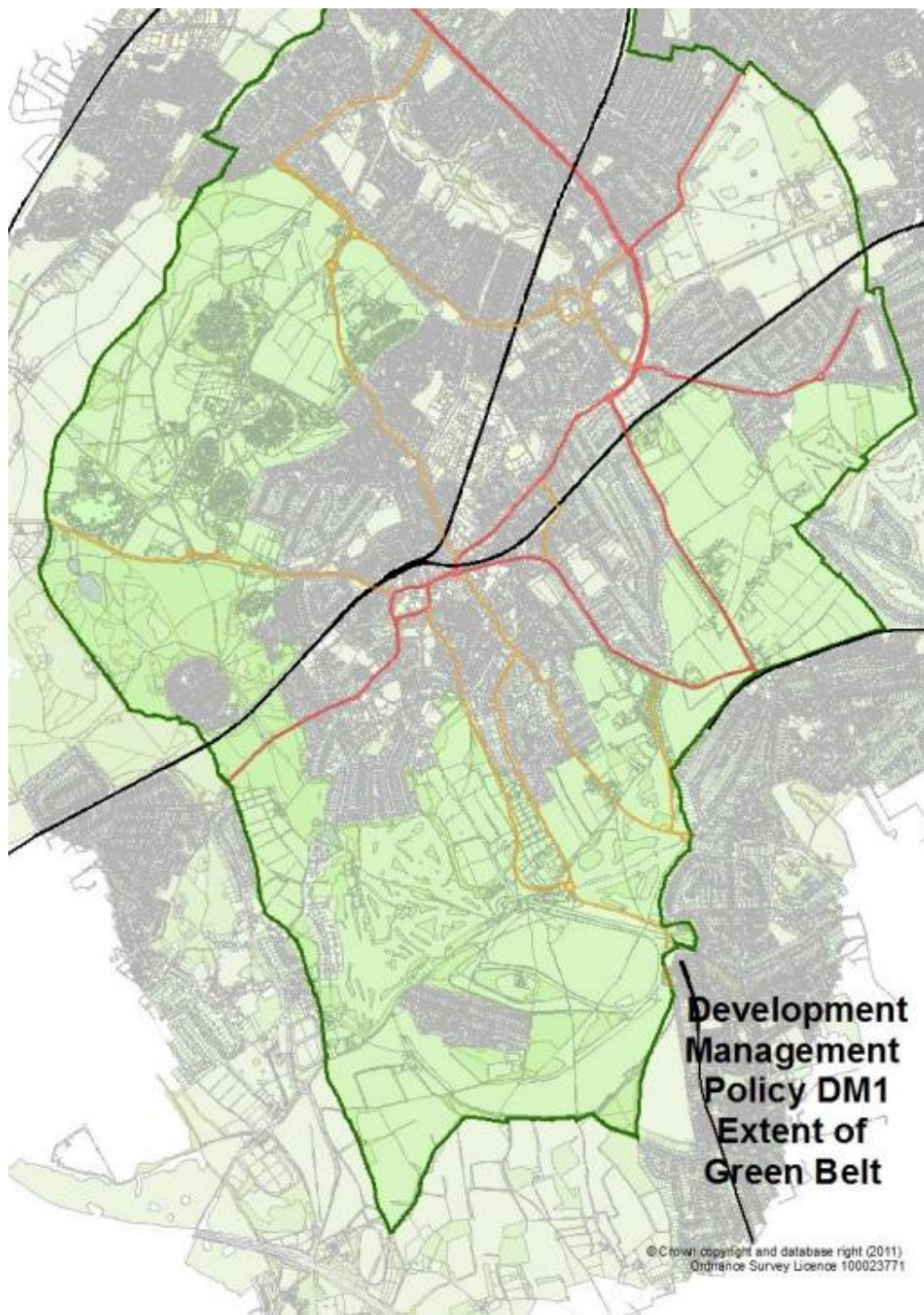
General

- 2.1. This section of my evidence explains the planning context in Epsom & Ewell Borough as it relates to the consideration of the merits of the Appeal Scheme at a macro (spatial) and micro (Site-specific) level.

Epsom & Ewell Borough

- 2.2. Epsom & Ewell Borough is, geographically, the smallest Borough in Surrey, but with a population of 80,900 people (2021 census), it is the most densely populated.
- 2.3. As recorded at paragraph 2.3.2 of the Core Strategy (**CD4.1**) "A significant proportion of the area is Green Belt which tightly constrains the scope for outward expansion of the built up areas" with paragraph 3.3.1 confirming "the designated Green Belt covers some 42% of the area of the Borough". The Green Belt covers almost all of the Borough, beyond the defined settlements.
- 2.4. The extent of this Green Belt coverage is shown on page 6 of the Development Management Policies Document (**CD4.2**), which I have extracted at **Figure 1** below.
- 2.5. The Core Strategy ("the CS") (**CD4.1**) was adopted in 2007 and covered the period to 2022. Whilst remaining part of the statutory development plan, it is time-expired. The CS was supported by the adoption of the Development Management Policies Document ("the DMPD") in 2015 (**CD4.2**).
- 2.6. However, the DMPD did not review the housing needs of the Borough. In the circumstances, I am of the opinion that the Development Plan for EEBC is manifestly out of date.

Figure 1: Extent of Green Belt Coverage in Epsom & Ewell Borough



- 2.7. Core Strategy (**CD4.1**) Policy CS8 says that, in principle, the strategy will be to direct higher density development to central locations, such as Epsom town centre and other local centres". Thereafter, the Policy states that "The Council will also encourage mixed use developments within the more accessible town or local centre locations."

- 2.8. The Council is advancing a new Local Plan with a Regulation 22 Plan (**CD4.20**) submitted for examination by PINS in March 2025. Paragraph 3.3 therein confirms that the Council had planned for 569 dwellings per annum, which is some 265 dwellings per annum less than the current standard method of 834 dwellings per annum (paragraph 4.5 of the Planning SoCG refers **CD9.1**).
- 2.9. The vision, set out on pages 15 and 16 of the Regulation 22 Local Plan (**CD4.20**), focuses development upon Epsom Town Centre, Ewell Village and Stoneleigh Broadway. However, at paragraph 3.8 of the emerging Local Plan, the Council accepts that Green Belt releases will be required to meet identified housing needs.
- 2.10. I address the status of the emerging Local Plan and its relevance for the Appeal in section 4 of my evidence below. However, and at the outset, it is agreed with the Council that the emerging Local Plan carries only limited weight (paragraph 4.11 of the Planning SoCG refers (**CD9.1**)).
- 2.11. Given the clear and unambiguous housing need, that cannot be met within the manifestly out of date settlement boundaries, it is my position for the Appellant that it is unreasonable for the Council to persist with their objection to the Appeal Scheme given the findings of two previous Planning Inspectors (**CD15.1** (2022 decision) (paragraphs 20 to 35) and (**CD15.2** (2025 decision) paragraph 5)) regarding the locational sustainability credentials of the locality, the agreement in the Planning SoCG (**CD9.1**) that the Site is grey belt land, together with confirmation from the Local Highway Authority that the Appeal Scheme would not prejudice highway safety or the safe movement of horses (**CD9.6**).
- 2.12. Contextually, I am well aware of the importance of the horse racing industry to Epsom, including the identity it gives to the Town/Borough, as well as the economic benefits that are derived from its presence. This has featured in my overall planning balance when assessing the acceptability of the Appeal Scheme.
- 2.13. As recorded in the most recent Housing Delivery Test ("HDT") results (**CD5.5** and **SB2**), EEBC is the 13th worst-performing Council in England, with a HDT score of 33%.

- 2.14. There is an acute need for affordable housing in the Borough, as well as a demonstrable shortfall in the council's 5-year housing land supply (**CD9.1**).
- 2.15. As agreed in the Planning SoCG (**CD9.1**), the Council is only able to show a 1.6 year supply of deliverable housing land. This is a shortfall of 3,402 dwellings, representing a critical shortage of homes.
- 2.16. As section 4 of my evidence explains, there has been a persistent under-delivery of housing in EEBC over the last 7 years.
- 2.17. The lack of an up-to-date Local Plan, the unmet affordable housing need, and the anaemic five year housing land supply position is the antithesis of the position sought by the Government.
- 2.18. The MHCLG Statement 'Building the homes we need' (**CD16.2**) that was published alongside the previous NPPF in (December 2024) sets out the Government's agenda to increase house building in the right places. The Appeal Site satisfies that requirement. This does not appear to be one of the Statements that have been superseded (Annex A of the new NPPF refers).
- 2.19. The following extracts from the 'Building the homes we need' Statement (**CD16.2**) are plainly applicable in the context of Epsom & Ewell Borough (My emphasis underlined):

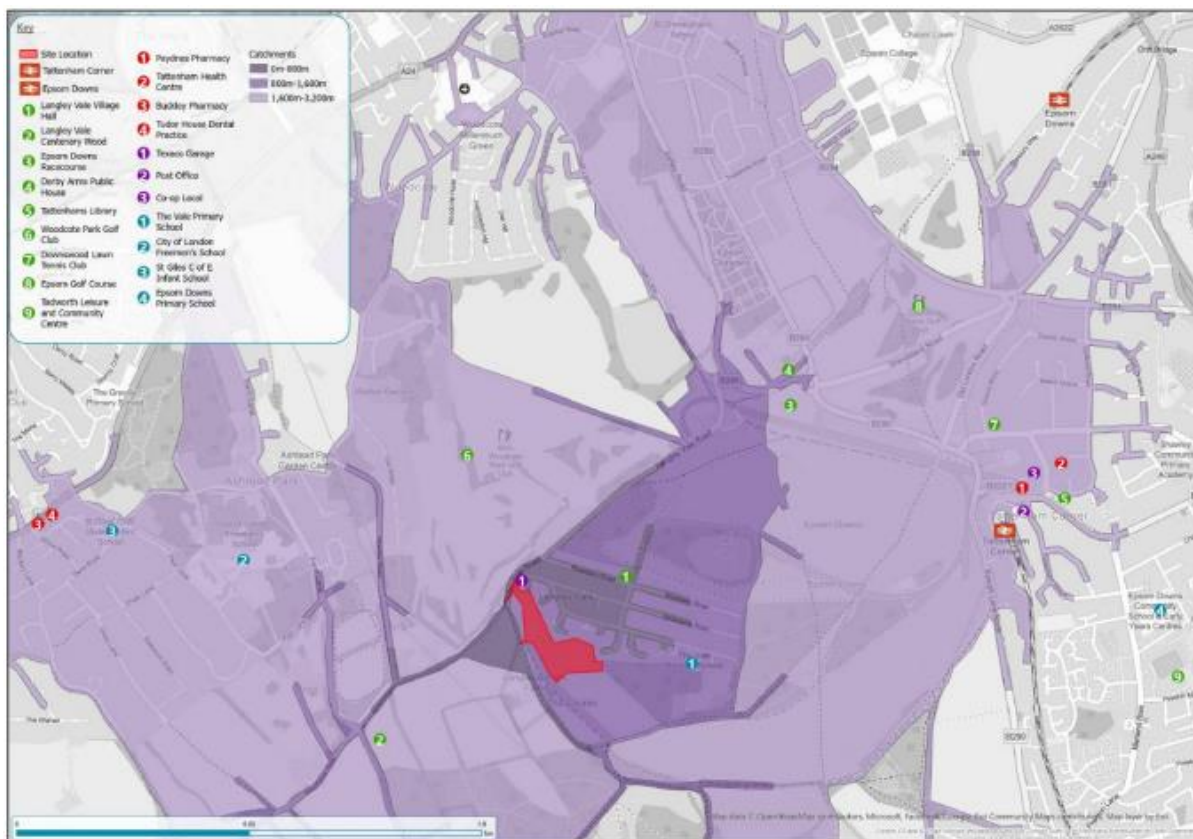
"This Government has inherited an acute and entrenched housing crisis. The average new home is out of reach for the average worker, housing costs consume a third of private renters' income, and the number of children in temporary accommodation now stands at a historic high of nearly 160,000. Yet just 220,000 new homes were built last year and the number of homes granted planning permission has fallen to its lowest in a decade.

Rapidly driving up planning consents in the context of a system with woefully inadequate local plan coverage will increase the number of permissions secured outside of local plan allocations in the short-term. This is necessary if we are to see the scale of delivery we need to meet our commitment to 1.5 million homes. Therefore, where it applies, the presumption in favour of sustainable development must have real teeth."

The Appeal Site and its Immediate Context

- 2.20. Given the constrained nature of Epsom & Ewell Borough, it is important to maximise development opportunities such as that afforded by the Appeal Site, which is within walking distance of the services and facilities in Langley Vale.
- 2.21. As set out in paragraphs 9.50-9.57 of the Officer's Report to Committee (**CD3.1**), there are two previous appeal decisions (**CD15.1** and **CD15.2**) that confirm the locality of the Appeal Site is a sustainable location.
- 2.22. As set out in the Transport SoCG (**CD9.6**), the locational merits of the Appeal Site are also agreed.
- 2.23. The Transport Assessment submitted with the Appeal Application (**CD1.10**) includes a 'Local Amenity Accessibility Drawing' (figure 4.5 therein) highlighting the range of services and facilities within reasonable walking and cycling distances of the Appeal Site.
- 2.24. This is helpful in understanding why two previous Inspectors considered the locality to be a sustainable location (**CD15.1** and **CD15.2** refer). I have included the image as **Figure 2** below.

Figure 2: Extract of Figure 4.5 from CD1.10



2.25. **Figure 3** identifies the walking and cycling distances and times to local services and facilities.

Figure 3: Extract of Table 4.4 from CD1.10

Purpose	Name	Total Distance (m)	Walking Journey Time (mins)	Cycle Journey Time (mins)
Education	The Vale Primary School	1,300	15	5
	City of London Freeman's School	2,500	29	9
	St Giles C of E Infant School	3,200	37	12
	Epsom Downs Primary School	3,600	42	14
Retail	Texaco Garage	450	5	2
	Post Office	2,800	32	11
	Co-op Local	2,800	32	11
Leisure	Langley Vale Village Hall	1,000	12	4
	Langley Vale Centenary Wood	1,400	16	5
	Epsom Downs Racecourse	1,800	21	7
	Derby Arms Public House	2,100	24	8
	Woodcote Park Golf Club	2,500	29	9
	Downswood Lawn Tennis Club	2,500	29	9
	Epsom Golf Course	2,700	31	10
	Tattenhams Library	3,000	35	15
	Tadworth Leisure and Community Centre	4,000	46	11
Healthcare	Paydnes Pharmacy	2,800	32	11
	Tattenham Health Centre	3,000	35	14
	Buckley Pharmacy	3,300	38	12
	Tudor House Dental Practice	3,300	38	12
Transport	Grosvenor Road Bus Stop	450	5	2
	Tattenham Corner Railway Station	2,750	32	12
	Epsom Downs Railway Station	3,400	51	16
	Ashted Railway Station	3,900	53	15
	Epsom Railway Station	3,700	51	16

Key:

	Within a desirable walking (800m) / cycling (5km) distance
	Within a comfortable walking (1.6km) / cycling (8km) distance
	Within an acceptable (3.2km) walking distance

2.26. The distances/times in **Figure 3** assume people travelling via the Site access on Langley Vale Road and the surrounding PROW network (shown in image 4.2 within **CD1.10**) offers a real opportunity to reduce these stated distances/times.

- 2.27. Mr Hamshaw explains the sustainability of the Appeal Site in relation to the genuine choice of transport modes that are available to local services and facilities.
- 2.28. Langley Vale comprises a settlement of 584 households. It comprises a fairly dense network of housing development and associated roads. It also includes a shop, a village hall, and a primary school (The Vale). Further development of 20 homes is underway adjacent to the Appeal Site at Langley Bottom Farm. The town of Epsom is accessible by bus and cycling.
- 2.29. In the circumstances, I conclude that the Appeal Site represents an inherently sustainable location in seeking to meet identified housing needs, at one of the most sustainable settlements in the Borough.

3. THE DEVELOPMENT PLAN

General

- 3.1. This section of my evidence summarises the Development Plan position, against which the acceptability of the Appeal Scheme falls to be determined.
- 3.2. It should be read alongside the agreement reached with EEBC at sections 4 and 5 of the Planning SoCG (**CD9.1**) which confirms the Development Plan policies for the supply of housing are out of date; the agreement that the presumption in favour of sustainable development is engaged; and the agreement that only limited weight can be attributed to policies within the emerging Local Plan (**CD9.1**. paragraph 4.11).

The Section 38(6) Test

- 3.3. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out a requirement that planning applications are to be determined in accordance with the Development Plan unless other material considerations indicate otherwise. This represents the s.38(6) 'balance'.

The Development Plan

- 3.4. For the purposes of s38(6), the Development Plan comprises the following adopted plans.
- Core Strategy (Adopted 2007) (**CD4.1**)
 - Development Management Policies Document (Adopted 2015) (**CD4.2**)
- 3.5. The Core Strategy ("the CS") (**CD4.1**) was adopted in 2007 and sets out the overarching strategy in seeking to meet development needs in the period to 2022. Not only is it manifestly out of date in terms of its failure to plan for current development needs, including housing, it is also time-expired (covering the period to 2022).

3.6. The applicable development plan policies from the CS and the Development Management Policies Document are listed below.

3.7. My policy schedule adopts the following 'rules':

1. The policies referenced in the Council's Decision Notice are underlined.
2. The policies I consider to be 'most important' (for the purpose of what was paragraph 11(d) of the NPPF) are highlighted in bold.
3. The policies marked with an asterisk comprise those that I consider the Appeal Scheme conflicts with.

Epsom & Ewell Borough Core Strategy (2007)

- CS1: Sustainable Development
- **CS2: Green Belt**
- CS3: Biodiversity & Designated Nature Conservation Areas
- CS4: Open Spaces & Green Infrastructure
- CS5: Historic Environment
- CS6: Sustainable Construction & Design
- CS7: Housing Provision
- CS8: Spatial Strategy*
- CS9: Affordable Housing
- CS12: Infrastructure Delivery
- CS16: Managing Transport and Travel

Development Management Policies Document (2015)

- **DM1: Extent of the Green Belt**
- DM3: Replacement and extensions of buildings in the Green Belt
- DM4: Biodiversity and New Development
- DM5: Trees and Landscape
- DM6: Open Space Provision
- DM7: Footpath, Cycle and Bridleway Network
- DM8: Heritage Assets*
- DM9: Townscape Character and Local Distinctiveness
- DM10: Design Requirements for New Developments
- DM11: Housing Density
- DM12: Housing Standards
- DM13: Building Heights
- DM17: Contaminated Land
- DM19: Development & Flood Risk
- **DM21: Meeting Local Housing Needs**
- DM22: Housing Mix
- DM23: Gypsy and Traveller Sites
- DM35: Transport and New Development
- DM36: Sustainable Transport for New Development
- DM37: Parking Standards

Development Plan Compliance

Location of Development

- 3.8. The Appeal Site is located adjoining, but ultimately beyond the settlement policy boundary for Langley Vale as defined on the Local Plan Proposals Map. Accordingly, it is located in the Green Belt. In addition, the Site is not allocated for housing development.

- 3.9. In the circumstances, **the Appeal Scheme is contrary to Policy CS8 as it is located outside the defined settlement boundary for Langley Vale.**
- 3.10. However, the settlement boundaries were defined in the CS that was adopted 19 years ago, and they do not purport to (nor could they) meet current housing needs.
- 3.11. Accordingly, the settlement boundaries serve to frustrate attempts to meet identified housing needs. In the circumstances, it is clear that the spatial strategy and the associated settlement boundaries are inconsistent with the NPPF's objectives of supporting the delivery of a substantial increase in the supply of homes. Accordingly, I attach only **very limited weight** to this conflict (Annex A, paragraph 2 of the new NPPF refers).

Green Belt

- 3.12. Contrary to the position taken by the Council, I do not consider that the Appeal Scheme would conflict with Core Strategy Policy CS2.
- 3.13. Core Strategy Policy CS2 states that "strict control will continue to be exercised over inappropriate development as defined by government policy".
- 3.14. In so far as I conclude that the Appeal Scheme would utilise grey belt land and would satisfy the requirements at Policy GB7(1)(g), Policy GB8 and Policy S5(1) and (5) (paragraphs 155, 156 and 157 of the previous NPPF), I do not consider the Appeal Scheme to be regarded as inappropriate. Accordingly, the Appeal Scheme accords with the NPPF's approach to development in the Green Belt, thus satisfying the requirements of Policy CS2. This is the case whether the Appeal Scheme is found to be acceptable under my scenario 1 (grey belt) or on account of being acceptable under my scenario 2 (the benefits outweigh the harms to amount to very special circumstances to justify the development).

3.15. On the Decision Notice for the Appeal Application (**CD33**) the Council cites Policy DM3 within the second reason for refusal. However, Policy DM3 relates to the replacement and extension of buildings within the Green Belt. Therefore, I conclude that it is not applicable to the Appeal Scheme.

Landscape

3.16. I adopted Mr Smith's landscape assessment of the Appeal Scheme as set out in his Proof of Evidence (**CD6.4**).

3.17. Policy DM9 relates to 'Townscape Character and Local Distinctiveness'. It requires new development proposals to make a positive contribution to the Borough's visual character and appearance having regard to existing townscape and landscape character, the surrounding historic and natural environment, the setting of the site and its connection to its surroundings and the use of locally distinctive materials and features. I find no conflict with this Policy.

3.18. Policy DM10 requires new development proposals to maintain or enhance local distinctiveness through reflecting established development parameters such as plot width, building heights, densities, and building lines. This can be secured at the reserved matters through consideration of the detailed design scheme relating to appearance, landscaping, layout and scale.

3.19. Whilst the final design is subject to consideration at the reserved matters stage, the Design & Access Statement submitted with the Appeal Application (**CD1.6** includes a detailed contextual analysis confirming that the requirements of Policy DM9, and many of the requirements of Policy DM10, can be comfortably accommodated in any forthcoming design at the reserved matters stage.

3.20. Contrary to my stance on Policy DM10, even if the Inspector were to conclude the Appeal Scheme which results in the development of a greenfield site, would not "conserve or enhance" local distinctiveness, as Policy DM10 requires, and conflict would only attract **very limited weight** to

the conflict with Policy DM10 on account of the inconsistency with the NPPF, where conserve or enhance relates to landscapes commensurate with their status in the Development Plan.

- 3.21. The Appeal Site is not identified for its landscape value. It is not a Protected Landscape.
- 3.22. The Council's Statement of Case makes reference to an 'Area of Landscape Value'.
- 3.23. I interpret this as meaning the Area of Great Landscape Value ("AGLV") that appears on the Council's planning policy maps. However, no reference is made to an AGLV within the adopted Core Strategy (**CD4.1**).
- 3.24. I understand that AGLV was supported by policy in the Surrey Structure Plan, but this ceased to be part of the development plan after the adoption of the South East Plan in 2009. Accordingly, the Council's references to AGLV in this Appeal have no development plan status for the purpose of Policies N1 and N4 of the new NPPF (paragraph 187(a) of the previous NPPF).
- 3.25. In addition, the Development Management Policies Document (**CD4.2**) only stated that the AGLV will be identified in a forthcoming Site Allocations Document. No such document has been adopted by the Council. As such, there is no adopted Development Plan policy basis for using the AGLV as a means to resist development on the Appeal Site.
- 3.26. There is no AGLV policy in the emerging Local Plan either. Rather, Policy DM16 of the Submission Local Plan (**CD4.20**) simply addresses landscape character, stating that development will be permitted where a landscape-led approach has been adopted, the valued characteristics of a local landscape character have informed the proposed development and the development proposals are accompanied by an LVIA. The criteria in Policy DM16 is satisfied by the Appeal Scheme. However, and in any event, it is agreed in the planning SoCG (**CD3.1**) that the emerging Local Plan only carries limited weight.

Spatial Considerations

- 3.27. The Development Plan's restrictive approach to development in the countryside is further compounded by the fact that the Development Plan only sought to cater for the Borough's

growth up until 2022; meaning that, for the past 4 years, there has been no effective strategy in place to facilitate the much needed growth in the Borough.

- 3.28. As Lord Carnwath said in *Hopkins Homes Ltd v SSCLG* [2017] UKSC 37 Lord [63] (**CD17.4**) “the Inspector was “clearly entitled” to reduce the weight to be attached to restrictive policies, such as countryside and landscape policies, where they are derived from settlement boundaries that in turn reflect out of date housing requirements.” There are obvious parallels with Epsom & Ewell Borough.

Transport & Travel

- 3.29. Contrary to the Council’s assertions, and consistent with the findings of two previous Planning Inspectors (**CD15.1** and **CD15.2**), I consider the Appeal Site to be in a sustainable location.
- 3.30. Before exploring this matter in detail, it is relevant to note that the Council reference Policy DM10 within reason for refusal 1 on the Appeal Application Decision Notice (**CD3.3**). Whilst Policy DM10 requires new dwellings to be sustainably designed, the policy makes no reference to matters of locational sustainability. I conclude that Policy DM10 is not relevant for the purposes of assessing locational sustainability.
- 3.31. Policy CS16 requires new development proposals to minimise the need for travel by private car, provide safe and convenient access for all users, not prejudice highway safety, and ensure sufficient parking provision is provided.
- 3.32. As I mention throughout my evidence, the Site’s locality has twice been found to be a sustainable location by the planning inspectorate (**CD15.1** and **CD15.2**). Further, no objection was raised by the Local Highway Authority on matters of highway safety, including in relation to equestrian movements (**CD9.6 refers**). It is acknowledged that the Local Highway Authority have raised an objection on locational sustainability grounds.

- 3.33. As a statutory consultee, I give great weight to the Local Highway Authority's position on the Appeal Application in respect of technical highways matters (**CD9.6**). However, on the broader judgment of locational sustainability, they are no better placed than the Council's professional officers and the Appellant's highway consultant.
- 3.34. The credentials of the Appeal Site are made abundantly clear in paragraphs 9.50-9.59 of the Officer's Report to Committee (**CD3.1**) and I adopt this assessment.
- 3.35. Further, as detailed within Mr Hamshaw's evidence (**CD6.6**), the Appeal Site is no less sustainably located (and in many cases more so) than a number of sites proposed for allocation within the Council's emerging Local Plan (**CD4.20**) and details the sustainable transport enhancements that will arise from the Appeal Scheme.
- 3.36. The appeal decisions at **CD15.1** and **CD15.2**, the assessment of locational sustainability in the Officer's report to Committee (**CD3.1**) and Mr Hamshaw's evidence (**CD6.6**), provide clear and cogent reasoning to disagree with the Local Highway Authority on locational sustainability.
- 3.37. This Site is sustainably located, and the Appeal Scheme will bring with it further sustainable transport enhancements for the benefit of existing and future residents in accordance with Policy CS16.
- 3.38. Mr Hamshaw's evidence (**CD6.6**) also contains the technical detail which confirms that Appeal Scheme accords with policies DM35, DM36, and DM37.

Heritage

- 3.39. Core Strategy Policy CS5 states that the Council will protect and seek to enhance the Borough's heritage assets. This includes the protection and enhancement of their settings. The Appeal Scheme conflicts with this Policy.

- 3.40. The approach at Policy CS5 is supplemented by Policy DM8, which requires development proposals to take every opportunity to conserve and enhance heritage assets. Again, the Appeal Scheme conflicts with this Policy.
- 3.41. However, the approach set out by policies CS5 and DM8 are not entirely consistent with the approach set out within the NPPF on account of neither policy featuring a mechanism whereby the public benefits of a scheme can outweigh less than substantial harm to the setting of a heritage asset.
- 3.42. Mr Copp's heritage evidence for the Appellant (**SB1**) concludes that the Appeal Scheme results in no harm to the setting of the identified heritage assets. Accordingly, on the basis of Mr Copp's evidence, on which I rely, the approach at Policy HE6(4) of the new NPPF (paragraph 215 of the previous NPPF) is not engaged.
- 3.43. However, and even if the Council is correct in asserting that there would be some, albeit less than substantial harm to one of the listed wall bordering the north, west and south sides of 'The Warren', which position is not accepted by Mr Copp, it is agreed in the Planning SoCG (**CD9.1**) and the Heritage SoCG (**CD9.4**), that the heritage balance to be undertaken pursuant to the approach at Policy HE6(4) of the new NPPF (paragraph 215 of the previous NPPF), finds that the public benefits outweigh the less than substantial harm occasioned to its setting by the Appeal Scheme.
- 3.44. In the circumstances, I find no conflict between the Appeal Scheme and Policies CS5 and DM8. However, were the Inspector to find in favour of the Council's approach, any conflict should only be attributed **moderate weight** on account of their inconsistency with national policy.

Ecology

- 3.45. As Mr Whitby explains in his evidence (**CD6.5**), the Appeal Scheme satisfies the requirements at Policy CS3 of the Core Strategy, and Policy DM4 of the Development Management Policies.

3.46. As explained in the Ecology SoCG agreed between the Appellant and the Council (**CD9.3**), it is agreed that appropriate surveys have been undertaken and impacts can be mitigated.

Other Matters and Planning Obligations

3.47. The Appeal Scheme accords with the remaining development management policies from the Development Plan, including in relation to the provision of housing, affordable housing, infrastructure and services, sustainable construction, character and design, and density.

3.48. The legal agreement that is in preparation between the appeal parties (Appellant, EEBC and SCC), will secure the necessary planning obligations to address the infrastructure policies, including the test at Policy DM6 of the new NPPF (paragraph 58 of the previous NPPF).

Summary of Development Plan Compliance

3.49. In summarising my position in relation to the conflict I have identified between the Appeal Scheme and the Development Plan, I consider that the settlement boundary policies are not meeting current housing needs based on the definition of built-up areas as defined in the development plan.

3.50. I summarise my position as follows:

- Conflict with Spatial Strategy **Policy CS8**, to which I attribute very limited weight.

3.51. Section 4 of my evidence considers the **material considerations that justify the grant of planning permission otherwise than in accordance with the Development Plan**.

4. MATERIAL CONSIDERATIONS

General

- 4.1. I have identified that the Development Plan conflict relates to the location of the Appeal Site adjacent to but beyond the settlement boundary for Langley Vale (conflicting with Policy CS8). However, this must be seen in the context of the Council's inability to demonstrate a five-year supply of deliverable housing land, such that the most important policies for determining the Appeal Scheme are out of date.
- 4.2. Even on the Council's case, they are only able to show a 1.6-year supply of deliverable housing land. This represents a shortfall of 3,402 dwellings.
- 4.3. In my opinion the extent of the shortfall is substantial. I am also of the opinion that:
- The shortfall is only likely to be reduced if planning approval is given for a range of sites, including on land beyond settlement boundaries and land or sites not currently allocated for housing in the adopted development plan.
 - In the circumstances, it is agreed in **CD9.1** that for the purpose of the presumption in favour of sustainable development, the most important policies for determining the application are out of date the presumption is engaged as a starting point.
 - I am also of the opinion that the contribution of market housing proposed through the Appeal Scheme is a material consideration of substantial weight; and that the delivery of affordable housing from the Appeal Scheme also (and separately) attracts substantial weight.
 - As I now go on to explain, the material considerations clearly tilt the balance in support of the grant of planning permission, including, but not limited to, the Site's grey belt status, the Council's acceptance that they cannot demonstrate a five year supply of deliverable housing land, the significant need for housing, the grant of planning permission by the Council, along

with the grant of planning permission at appeal for housing on land beyond the settlement boundaries as defined in the Development Plan, the need to review the settlement boundaries and release land from the Green Belt for development in the emerging Local Plan Review; and the content of the NPPF.

- 4.4. Based upon my review of the evidence for this inquiry, I am of the opinion that the housing need identified under the standard method cannot currently be met without breaching identified settlement boundaries.
- 4.5. In the circumstances, it is my evidence that the adverse impacts of granting permission cannot be said to demonstrably, let alone significantly, outweigh the many benefits. In the circumstances, planning permission should be granted.

The National Planning Policy Framework (Aug 2026)

- 4.6. As I explain in section 1 above, the new NPPF (Aug 2026) (**CD5.4**) was published the day before the original deadline for the submission of evidence. In the limited time available before the submission of evidence, I have not had time to rewrite my evidence to deal with all the policies (and paragraphs) in the new NPPF. Rather, as agreed with the Planning Inspectorate, these will be addressed in supplementary written submissions at a later date. However, and notwithstanding, I have tried, where possible, to include many of the new NPPF references where I think it would assist the Inspector.
- 4.7. The Government published a draft NPPF for consultation in December 2025 (**CD5.1**). It reaffirmed the Government's commitment to addressing the National housing crisis. It also sets out continued support for the development of suitably located sites in the Green Belt that help meet a demonstrable unmet need (e.g. housing against a lack of 5-year housing land supply).
- 4.8. As the Ministerial Statement published alongside the consultation draft NPPF states (**CD16.6**) *"England remains in the grip of a housing crisis that is both acute and entrenched. The detrimental consequences of this disastrous state of affairs are now all pervasive: a generation locked out of*

homeownership; 1.3 million people languishing on social housing waiting lists; millions of low-income households forced into unaffordable private rented housing; and more than 170,000 homeless children living in temporary accommodation.”

- 4.9. The new NPPF, the accompanying Planning Practice Guidance (“PPG”) and recent Ministerial Statements are material considerations of particular standing in the determination of the Appeal Scheme.
- 4.10. I do not seek to repeat the content here, save to add that the documents set the Government’s clear and unambiguous direction to boost the supply of housing in sustainable locations. However, I refer to relevant paragraphs from these documents where relevant to my assessment.

Topic Areas

- 4.11. I assess the material considerations under the following sub-headings:
- 1) Locational Sustainability
 - 2) Five Year Housing Land Supply
 - 3) Affordable Housing
 - 4) Economic Growth
 - 5) The Emerging Local Plan
 - 6) Drainage
 - 7) Trees and Ecology
 - 8) Heritage
 - 9) Landscape
 - 10) Agricultural Land
 - 11) Planning Obligations
 - 12) Highway Safety & Impacts on Horse Racing Industry
- 4.12. I deal with Green Belt, including an assessment of Grey Belt, separately, which matter I address in section 5 below.

(1) Locational Sustainability

- 4.13. Policy TR3 of the NPPF requires significant development to be focused on locations which are or can be made sustainable, including through limiting the need to travel and offering a genuine choice of transport modes.
- 4.14. The Local Highway Authority has raised an objection on this matter, and, as a statutory consultee, I attribute great weight to their consultation response. However, as I have reiterated in my evidence, the Planning Inspectorate have twice confirmed the locality of the Appeal Site to be a sustainable location (**CD15.1** and **CD15.2**).
- 4.15. The materiality of these Appeal decisions is made quite clear at paragraphs 9.50-9.59 of the officer's report to Committee (**CD3.1**), whilst Mr Hamshaw's evidence (**CD6.6**) highlights that the Appeal Site is no less sustainably located than other sites the Council are seeking to include within their emerging local Plan. Combined, these factors provide clear and cogent reasoning to disagree with the Local Highway Authority's assessment of locational sustainability.
- 4.16. As I explain in section 2 above, and as identified by Mr Hamshaw in his evidence, on which I rely, the Appeal Site is within walking and cycling distance of a range of day-to-day services and facilities.
- 4.17. The agreed Transport Statement of Common Ground (**CD6.6**), at section 7.2 therein, details the agreed conditions to be attached to any forthcoming planning permission should the Appeal be allowed. The conditions include improvements to the Grosvenor Road and Harding Road bus stops, and provision of improved pedestrian connections to local bus stops and facilities (condition 15 refers).
- 4.18. Additionally, at section 7.3, the Transport SoCG details the planning obligations to be secured by S106 agreement from the Appeal Scheme to enhance sustainable connectivity to surrounding environs. These can be summarised as:

- £200,000 per annum for 5 years towards either Digital Demand Response Transport ("DDRT") or improving the existing E5 bus service;
- Provision of two care club spaces and vehicles
- Provision of cycle vouchers for each new household

4.19. The benefits of similar conditions and contributions, particularly improvements to DDRT services, were discussed in the recent Former Laporte Works Site Appeal (May 2026) (**CD15.9**), which appeal was allowed, and is also in Surrey, where the Inspector made the following comments regarding locational sustainability (my emphasis in bold):

"12. NPPF paragraph 110 refers to 'Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes'. The Council's concern is that the proposal does not limit the need to travel, because Nutfield does not have sufficient day-to-day facilities required by residents, nor is there likely to be any in the development itself

13. NPPF paragraph 115 refers to the need to ensure that 'a) sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location'. Such modes can be any (and don't have to be all) of the following: walking, cycling, ultra-low and zero emission vehicles, car sharing and public transport, as defined in the NPPF glossary.

18. Even if it wasn't provided or such a shop proved to be unviable, Holborn's or the Priory Farm shop would be a very short cycling time from the housing on the site. There are also bus routes (routes 400 and 410 in particular) providing regular frequent services throughout the day from bus stops located a short walking distance from the site on the main A25 road that passes through Nutfield, which would give residents easy and quick access to the shops in Redhill town centre including a large Sainsbury's supermarket (16-21 minutes, varying from peak to off-peak services)

19. However, access times by buses would be quicker as a result of the £4M contribution that the appellant would provide to Surrey County Council's Digital Demand Responsive Transport (DDRT) service via Schedule 6 of the S106, which would enable residents to digitally book a dedicated bus service between 6am-11pm on weekdays and 8am-10pm on Sundays. This would, for instance, lessen the time by bus to Sainsbury's in Redhill to between 7-13 minutes.

25. In summary, I accept that some residents of the development would inevitably drive their own cars to buy a pint of milk or loaf of bread etc – discounting the likely provision of a small grocery shop on the site – or drop their children off at school and

that the provision of the DDRT contribution would not gainsay their choice in that respect.

*26. **But the locational sustainability or otherwise of the appeal site does not solely rest on limiting the need to travel**, although I accept that is important, hence the appellant's plans to provide for a convenience shop. It also rests on offering a genuine choice of transport modes. For the reasons indicated above, I consider that the development would offer a genuine choice of sustainable transport modes through the S106 obligations and above highway improvements, considering that Nutfield is located on the main A25 road only 3km east of Redhill, one of Surrey's main towns. It would therefore comply with NPPF paragraph 110. It would prioritise sustainable transport modes in accordance with NPPF paragraph 115, taking account of its vision for the site, the type of development and its location.*

27. It is also notable that the Local Highway Authority, Surrey County Council, which had originally raised an objection on locational sustainability grounds, has now, with the above contributions and improvements, seen fit to withdraw its objection to the proposed development on this ground.

28. For all these reasons, I conclude that the location of the appeal site and the development proposed on it would be sustainable in that it would be likely to have a local grocery store within it and, even if it did not, the S106 improvements offered by the development in this respect would offer and prioritise a genuine choice of sustainable transport modes..."

4.20. The findings of the Former Laporte Works Site Appeal Inspector are material to the consideration of the Appeal Scheme for the following reasons:

- 1) They consider a (removed) objection from the same Local Highway Authority on locational sustainability grounds.
- 2) They discuss the correct application of NPPF paragraphs 110 and 115 (now NPPF policy TR3), concluding that the need to make journeys by car does not render a location unsustainable, provided there are 'choices' available (as would be the case with the Farm View Appeal).
- 3) An enhanced DDRT service, funded by S106 contributions, can enhance the locational suitability credentials of a site.

(2) Five Year Housing Land Supply

The NPPF

- 4.21. Chapter 6 of the NPPF sets out the Government's objective to support the delivery of a substantial increase in the supply of homes, by ensuring that a sufficient amount and variety of land can come forward where needed.
- 4.22. As Annex D explains, the standard method is to be used to calculate the minimum number of homes needed.
- 4.23. Paragraph 8 in Annex D requires LPAs to identify a five year supply of deliverable housing land against their local housing need (derived from the standard method) where the strategic policies are more than five years old (as is the case in EEBC).
- 4.24. Paragraph 9 in Annex D requires the imposition of a 20% buffer where there has been significant under-delivery of housing over the previous three years, measured against the Housing Delivery Test ("HDT").

Housing Delivery Test Results

- 4.25. As I have already explained in section 2 above, the most recent Housing Delivery Test ("HDT") results (published in Dec Aug 2026), rank Epsom & Ewell Borough as the 13th worst performing Council in England, with a HDT score of 33% (**CD5.5** and **SB2**). Not only does this result in the imposition of a 20% buffer to the five-year housing requirement, it also means that the presumption at Policy S3 of the new NPPF (paragraph 11(d) of the old NPPF) is engaged.
- 4.26. **Table 1** below shows the record of housing delivery in EEBC in the assessment periods for which HDT figures are available (source: Government HDT results).

Table 1: HDT Results

Housing Delivery Test Assessment Period	Dwellings Required	Dwellings Delivered	% of Delivery Achieved
2015-2018	1,177	667	57%
2016-2019	1,374	673	49%
2017-2020	1,519	512	34%
2018-2021	1,490	519	35%
2019-2022	1,490	471	32%
2020-2023	1,537	576	38%
2021-2024	1,726	572	33%
2022-2025	1,718	567	33%

4.27. The results in **Table 1** highlight a systemic failure by the Council to meet even half of its annual housing need in any given year. This is even before the revised standard method that was introduced in the NPPF in December 2024, which increased their annual housing requirement.

4.28. In every year, the Council has been required to add a 20% buffer alongside the imposition of the presumption in favour of sustainable development.

Past Performance

4.29. Table 2 below compares annualised net completions against the housing requirement applicable for the relevant monitoring year from 2018/19. This excludes the application of any buffer (resulting in an even greater shortfall).

4.30. I have used the 2018/19 as the base date for my assessment as it is the first year the standard method was applied to calculating the housing requirement.

4.31. The completion data is taken from the Council's Authority Monitoring Reports for the years 2018/19 to 2024/25 (**CD4.11** to **CD4.17**).

Table 2: Dwelling Completions

Monitoring Year	Housing Requirement	Net Completions	Difference
2018/19	579	165	-414
2019/20	579	195	-384
2020/21	579	169	-410
2021/22	576	117	-459
2022/23	573	317	-256
2023/24	573	139	-434
2024/25	867	112	-755
Total	4326	1214	-3112

4.32. **Table 2** shows there has been a substantial shortfall in the number of net completions achieved in each monitoring year since 2018/19 when compared with the applicable housing requirement (excluding any buffer), with a cumulative shortfall of 3,112 dwellings in the 7 year period since 2018/19.

4.33. The figures in Table 2 clearly demonstrate a persistent under delivery of housing.

The Current Five Year Housing Land Supply Position

4.34. The CS sets out a requirement to plan for 181 dwellings annually, equating to 2,715 dwellings during the 15-year period 2007 to 2022.

4.35. This compares to the 8,34dpa derived from the application of the Standard Method in so far as the Core Strategy is now more than five years old⁵. To which there is then added a 20% buffer. This establishes a requirement to plan for 1,001 dwellings annually. This is substantially in excess of the 181dpa planned for in the CS. Moreover, neither Development Plan document sought to review the Green Belt boundaries.

4.36. As set out in section 4 of the Planning SoCG (**CD9.1**), it is common ground that the Council is not able to demonstrate a five year supply of deliverable housing land against the minimum five year

⁵ See paragraph 78 and footnote 39 of the NPPF

requirement for the period 1st April 2026 to 31st March 2031. Indeed, the Council is only able to demonstrate a 1.6 year supply of deliverable housing land, representing a shortfall of 3,402 dwellings. I conclude there is a significant under supply of market housing.

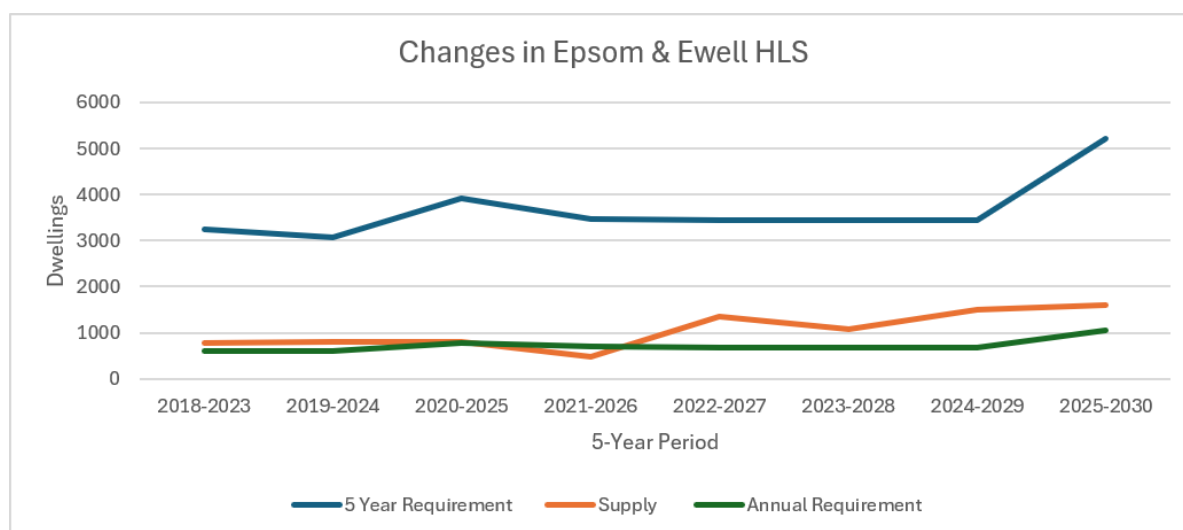
4.37. I am of the opinion that the position is acute and there is a need to increase the number of planning permissions in seeking to address the shortfall.

4.38. The tightly drawn Green Belt boundaries in the Development Plan mean that market and affordable housing needs cannot be met in Epsom & Ewell Borough without breaching current (identified) settlement boundaries. I am of the view that this will necessitate the development of Green Belt land.

Previous Five Year Housing Land Supply Positions

4.39. As shown in **Figure 4** below, the Council has not been able to demonstrate a five-year supply of deliverable housing land since 2018.

Figure 4: Five Year Supply Periods



Summary

- 4.40. As agreed in the Planning SoCG (**CD9.1**, section 4 refers), the Council is not able to demonstrate a five year supply of deliverable housing land. Accordingly, the presumption in favour of sustainable development at paragraph 119(d) of the NPPF is engaged. The presumption is separately engaged on account of the dire HDT results due to the persistent under delivery of housing since 2019/20.
- 4.41. In the circumstances, the presumption in favour of sustainable development is engaged on account of the development plan being 'out of date' having regard to the lack of consistency between the policies contained therein and the approach to development set out in the NPPF.
- 4.42. Any one of the following scenarios, all of which are engaged in EEBC, (i) the failure of the development plan to meet current development needs, (ii) the lack of a five year supply of deliverable housing land; and (iii) the HDT results (33%), individually trigger the presumption in favour of sustainable development.
- 4.43. The critically acute shortfall in the supply of deliverable housing land is an important material consideration in assessing the merits of the Appeal Scheme.
- 4.44. Indeed, as Lord Gill observed in *Hopkins Homes Ltd v SSCLG* [2017] UKSC 37 (**CD17.4**) at [83]

"If a planning authority that was in default of the requirement of a five-years supply were to continue to apply its environmental and amenity policies with full rigour, the objective of the Framework could be frustrated"

- 4.45. I consider this conclusion is applicable in the context of Epsom & Ewell Borough.
- 4.46. The clear failure of the Council to maintain the minimum of a five year supply of housing land, together with the consistent record of poor performance, is a clear indication that the current strategy for housing delivery in EEBC is not working.

4.47. It is only through the approval of schemes like that advanced through the Appeal will there be any chance that the consistently dire performance of the Council will be addressed. It is for this reason that I attribute **substantial weight** to the benefits of housing on the Appeal Site (Policy HO7 of the new NPPF refers).

(3) Affordable Housing

4.48. Paragraph 61 of the NPPF sets out the Government's objective of seeking to ensure a sufficient supply of housing land to meet the need of groups with specific housing requirements.

4.49. Paragraph 67 requires at least 50% of the housing to be affordable as part of the Golden Rules for Green Belt development (noting that I address this matter under sub-heading (13) below).

4.50. Ms Gingell addresses affordable housing need and supply in her evidence (**CD6.3**). I repeat some of her findings for context:

- Affordable housing delivery in Epsom and Ewell has consistently fallen well below identified levels of need. Between 2007/08 and 2024/25, the Borough delivered a total of 1,094 net affordable homes, equivalent to an average of 61 dwellings per annum. This level of delivery is substantially below the annual need for 652 affordable homes identified in the Council's most recent evidence base.
- The position since the start of the 2023 HEDNA period is particularly acute. Between 2022/23 and 2024/25, only 88 net affordable homes were delivered against an identified need for 1,956 homes, resulting in a cumulative shortfall of 1,868 affordable dwellings. Put another way, only around 4% of identified affordable housing need has been met over the period, with approximately 96% remaining unmet.
- Addressing this shortfall would require a substantial increase in affordable housing delivery. For illustrative purposes, if the accumulated shortfall were to be addressed over the next five years alongside meeting newly arising needs, delivery would need to increase to approximately 1,026 affordable homes per annum. This is significantly above both historic delivery rates and the level of provision currently being achieved within the Borough.
- Epsom and Ewell is characterised by a high-cost housing market in both the rental and owner-occupied sectors. Private rents, lower quartile house prices and median house prices all substantially exceed regional and national averages, indicating that affordability pressures are not confined to a particular tenure or household group.

- Within the private rented sector, average rents have increased by 29% since 2015 and remain significantly above both South East and England averages. The cost of securing a new tenancy is particularly acute for larger homes, with average rents for three- and four-bedroom properties exceeding £2,500 pcm and £3,300 pcm respectively. These costs are likely to place significant financial pressure on households unable to access owner occupation or affordable housing.
- The evidence relating to home ownership demonstrates similarly acute affordability challenges. Lower quartile house prices reached £380,000 in 2025, whilst median house prices exceeded £535,000. Affordability ratios remain substantially above regional and national averages, indicating that house prices continue to be significantly out of step with local earnings. In practical terms, both entry-level and typical market homes remain beyond the reach of many households living or working within the Borough.
- Affordability pressures are even more pronounced in the vicinity of the appeal site. Lower quartile house prices in Epsom Downs and Common reached £500,000 in 2025, whilst median house prices exceeded £600,000. This demonstrates that the local housing market surrounding the appeal site is more expensive than the Borough average and that households seeking to access housing in the area face particularly acute affordability barriers.
- The lower quartile affordability ratio in Epsom and Ewell increased from 10.92 in 2007 to 13.05 in 2025, representing an overall increase of 20% over the period.
- Affordability pressures intensified significantly between 2013 and 2022, with the ratio remaining above 14.0 throughout the period and peaking at 16.74 in 2019.
- Although affordability has improved since its 2019 peak, the 2025 ratio of 13.05 remains substantially above historic levels and indicates that entry-level housing remains largely inaccessible to many lower-income households.
- In practical terms, lower quartile house prices in 2025 were equivalent to more than 13 times lower quartile workplace earnings in Epsom and Ewell.
- The Borough's affordability ratio has consistently exceeded both regional and national averages throughout the period, demonstrating that affordability pressures are more acute locally than elsewhere.
- The evidence points to a sustained and structural mismatch between local incomes and housing costs across both the rental and ownership markets. The persistence of high rents, elevated house prices and exceptionally poor affordability ratios demonstrates that the market is unable to meet the needs of many households within Epsom and Ewell.
- The proposed development is for up to 110 dwellings, of which 50% (up to 55 homes) are to be provided on-site as affordable housing.
- This level of provision exceeds the expectations of Policy CS9 of the Core Strategy (2007) which seeks 40% provision from qualifying developments. The proposed tenure split of the

affordable housing units comprises 71% Social Rent (up to 39 homes) and 29% Shared Ownership (up to 16 homes).

- This level of provision meets the 'Golden Rules' for Green Belt development as set out in the National Planning Policy Framework (NPPF) published in December 2024 which requires affordable housing contributions on such sites to be 15% above the highest existing affordable housing requirement, subject to a cap of 50%.

4.51. As Ms Gingell records, the consequences of failing to provide enough affordable homes were recognised by the Inspector in a decision in Mole Valley (**CD15.5**). Inspector McGlone was clear at paragraph 88 of his decision that:

"The consequences of not providing enough affordable homes affect people. Being able to access good housing has a bearing upon everyday life and there are socioeconomic effects such as financial security and stability, physical and mental health, decreased social mobility and adverse effects on children's education and development. In Mole Valley, the number of people on the housing register has risen, there are increasing affordability ratios and people are paying significantly over 30% of their income on rent".

4.52. This conclusion lays bare, the very real consequences of failing to provide enough affordable housing.

4.53. As paragraph 15.3 of the Officer's report to Committee (**CD3.1**) notes, there has been "persistent affordable housing shortfall" in the Borough.

4.54. Ms Gingell identifies an acute need for affordable housing within EEBC. She considers that **substantial weight** should be attributed to the delivery of up to 55 affordable homes through the Appeal Scheme benefits of housing on the Appeal Site (Policy HO7 of the new NPPF refers). I adopt Ms Gingell's findings.

(4) Economic Growth

4.55. Section 7 of the NPPF States that significant weight should be placed on the need to support economic growth.

4.56. The Appeal Scheme generates a series of local and Borough-wide economic benefits, including (i) construction of the scheme, and the range of employment generated as a result, and (ii) the ongoing expenditure from the households purchasing and occupying the new homes.

4.57. The principal economic benefits arising from the scheme are summarised below:

- i) Increased house building in an area where there is both need and demand for new housing that in turn drives economic growth further and faster than any industry. In this regard the proposals will contribute to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is being made available in the right place and at the right time to support growth.
- ii) Based upon a multiplier of 3.4 jobs per new home⁶, up to 110 dwellings are estimated to create approximately 374 new jobs.
- iii) Increased expenditure in the local area will support local FTE jobs.
- iv) Helping to deliver a significant boost to the local economy through 'first occupation' expenditure of £427,092.60⁷. This is expenditure on new furniture and other household goods that residents spend as 'one-offs' when moving into a new home.
- v) In terms of household expenditure, data from the ONS Family Spending Workbook 3: Expenditure by Region 2023-25 shows that the 'average UK household spend' is £622.60 per week (Table A33) (or £32,375.20 per year), whereas in South Eastern England it is 16.31% higher than the UK average (Table A33). This means average weekly spend per household is £724.20 (or £37,658.40 per annum). For the Appeal proposal, the total gross expenditure is estimated to be around £4.14million per year to the economy. A proportion of this household

⁶ See page 8 of the Homes Builders Federation "Economic Footprint of UK Housebuilding " (Sept 2024) - https://www.hbf.co.uk/documents/13965/The_Economic_Footprint_of_Home_Building_in_England_and_Wales_report_September_2024_v.pdf

⁷ Research carried out by OnePoll on behalf of Barratt Homes (August 2014; <https://www.barratthomes.co.uk/thebuying-process/home-buying-advice/>) which shows an average of £5,462 per dwelling – Updated at June 2026 via Bank of England Inflation Calculator to £7,765.32 per dwelling, applied to the 50% market homes proposed.

expenditure is anticipated to be spent in local shops and services and will help sustain the existing services in Epsom & Ewell Borough including those local to the Appeal Site. The expenditure per household will include a proportion of that spent on areas including food & non-alcoholic drinks (£74.40 per week); alcoholic drinks (£12 per week); recreation and culture (£93.30 per week), household goods and services (£40.00) and miscellaneous goods and services i.e. hairdressing & beauty treatments (£51.90 per week).⁸ Given the current economic challenges facing the UK these are significant economic benefits

- 4.58. By providing land of the right type, in the right place, and at the right time to support economic growth, the development of up to 110 C3 dwellings on the Appeal Site fully accords with the objectives at paragraph 8 of the NPPF and assists in the aims of the NPPF in helping to build a strong and competitive economy.
- 4.59. I attribute **moderate weight** to the economic benefits derived from the Appeal Scheme.

(5) The Emerging Local Plan

- 4.60. As I explained in section 2 above, EEBC have advanced a new Local Plan but significant concerns, mainly relating to the level of housing planned for, still remain.
- 4.61. The Council's Regulation 22 Plan (**CD4.20**) was submitted for examination by PINS on the 10th March 2025. Paragraph 3.3 therein confirms that the Council had planned for 569 dwellings per annum which is some 265 dwellings per annum less than the 834dpa figure derived from the current standard method (paragraph 4.5 of the Planning SoCG refers **CD9.1**).
- 4.62. The justification for this approach is set out in paragraph 2.13 of the Report to the Council's Licensing and Planning Committee⁹ (**CD4.21**) which states:

⁸ Figures based upon Sout East Regional data in Table A33

⁹ 30th January 2023

“Taking into account the borough’s constraints, the council is not planning on meeting its local housing need figure (as set by the Government’s Standard Methodology). The Draft Local Plan sets a housing requirement of a minimum of 5,400 dwellings over the Local Plan period, which is approximately 5,000 dwellings less than the standard method output...”

- 4.63. The vision, set out on pages 15 and 16 of the Regulation 22 Local Plan (**CD4.20**), focuses development upon Epsom Town Centre, Ewell Village and Stoneleigh Broadway. However, at paragraph 3.8 of this emerging Local Plan, the Council accept that Green Belt releases will be required to meet identified housing needs moving forwards.
- 4.64. The examining Inspector, at paragraph 4 their post hearing letter dated 22nd October 2025 (**CD4.28**), instructed the Council to revisit 54 sites discounted for allocation in the draft Local Plan (**CD4.24**) on account of the “significant extent of unmet housing need within the Borough”. The examining Inspector, at paragraph 7 of this letter, states “As submitted, the Plan as would result in a 5500-dwelling shortfall against the standard method.”
- 4.65. In revisiting the 54 sites requested by the examining Inspector, the Council have since produced an Assessment of Urban Sites (**CD4.22**), Green Belt Topic Paper: Additional Work (**CD4.23**), and an Additional Sites for Potential Allocation document (**CD4.24**). The Council undertook a public consultation on these documents between the 11th May and 15th June 2026 (**CD4.25**) and were examined in public on the 2nd July (**CD4.26**). Collectively, the additional sites now suggested to be allocated provide for 1,163 additional dwellings¹⁰ (Tables 6 & 7 of **CD4.24** refer) leaving 4,337 additional dwellings still to be found to meet the Council's housing needs as identified by the examining Inspector.
- 4.66. For context, every site reviewed in **CD4.22** and **CD4.23** generates a cumulative total of 4,726 dwellings (including the Appeal Site). Removing the yield from the Green Belt sites already included in the draft Local Plan (**CD4.20**)¹¹ reduces the true number of net additional dwellings sourced via the Council’s exercise to 3,146 dwellings¹². This still leaves 1,191 dwellings to be found

¹⁰ Including 70 C2 dwellings

¹¹ Land at Chnatilly Way, Horton Farm, West Park LAA Refs: HOR005 & HOR006, Hook Road Arena

¹² This figure assumes all Additional Urban Sites are deliverable

over and above those sources identified just to meet the housing need identified by the examining Inspector.

(6) Drainage

- 4.67. Section 18 of the NPPF sets out the approach to assessing flood risk.
- 4.68. Paragraphs 20.2 – 20.20 of the officer's report to Committee (**CD3.1**) explain the acceptability of the Appeal Scheme in drainage terms.
- 4.69. The consultation responses received from the Environment Agency (**CD3.5**), the LLFA (**CD3.6**), and Thames Water (**CD3.15 and CD3.16**) raising no objection to the Appeal Scheme are of particular relevance.
- 4.70. The clear and unambiguous position on the matter is ratified in the Planning SoCG (**CD9.1**) where it is agreed that the Appeal Scheme is acceptable with regard to flood risk and can be made safe for its lifetime.

(7) Trees and Ecology

Trees

- 4.71. Paragraphs 11.1 to 11.9 of the Officer Report to Planning Committee (**CD3.1**) explain the acceptability of the Appeal Scheme in arboreal terms. I adopt those findings.

Ecology

- 4.72. Paragraphs 19.2-19.58 of the Officer's report to Committee (**CD3.1**) assess in detail the acceptability of the Appeal Scheme in ecological terms. I adopt those findings.

- 4.73. Importantly, as Council Officers note in their Report to Committee (**CD3.1**), the Appeal Scheme will secure significant enhancements to the Langley Bottom Farm Site of Nature Conservation Importance.
- 4.74. The Langley Vale Action Group ("LVAG") in their Statement of Case (**CD8.1**), contrary to the findings of the Council's ecologist position as summarised in **CD3.1** (paragraphs 19.1 to 19.69), consider badger activity to represent a significant constraint upon development of the Appeal Site. In formulating their views, the LVAG are reliant upon the representations to the Appeal Application made by the West Surrey Badger group (**CD3.29**).
- 4.75. As Mr Whitby states at paragraph 33 of his evidence (**CD6.5**), badgers are not a European Protected Species, and a licence for a setts closure (if required at all) can be obtained from Natural England. Additional surveys and any relevant licences required can be secured via condition and obtained prior to commencement of development. As such, I don't consider that badgers represent a constraint upon development.
- 4.76. The Appeal Scheme would also result in a substantial net gain in biodiversity in excess of the 10% statutory requirements. As detailed in the Biodiversity Impact Calculation (**CD1.13**) submitted with the Appeal Application and reiterated in Mr Whitby's evidence (**CD6.5**), the Appeal Scheme achieves the following net-gains:
- +3.91 Habitat units (+33.03%)
 - +4.06 hedgerow units (+2,745.45%)
- 4.77. It is for these reasons that I attach **moderate weight** to the ecology benefits arising from the Appeal Scheme.

(8) Heritage

- 4.78. Paragraphs 12.1 to 12.30 of the Officer Report to Planning Committee (**CD3.1**) explain the acceptability of the Appeal Scheme in heritage terms, concluding that there will be no harm occasioned to designated heritage assets. I adopt those findings.

- 4.79. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a general duty as respects listed buildings in the exercise of planning functions. Subsection (1) provides that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 4.80. In light of the relevant statutory duty of the 1990 Act (section 66(1)), considerable weight and importance has been given to the requirement to pay special regard to the desirability of preserving the setting of the identified listed buildings.
- 4.81. The meaning of preservation with regard to the setting of listed buildings under the relevant parts of the Act can be taken to be the avoidance of harm. However, such a presumption is not overriding or irrebuttable, as there will be cases where such harm would be outweighed by material considerations powerful enough to do so.
- 4.82. The Appeal Site is within the vicinity of a Grade II listed wall that encloses The Warren Wood to the east/southeast, a Grade II listed boundary wall to Woodcote Park to the west/southwest, and a Grade II listed Coal Tax Post to the south.
- 4.83. Impacts upon the setting of all the recorded designated heritage assets were assessed as part of the Appeal Scheme.
- 4.84. Paragraphs 12.29 and 12.30 of the Officer's report to Committee (**CD3.1**) conclude:

"12.29. Officers give considerable importance and weight to the desirability of preserving the setting and the features of special architectural and historic interest of the surrounding heritage assets. However, notwithstanding the considerable importance and weight that the less than substantial harm attracts, in this case, the accrued public benefits are considered to sufficiently outweigh the less than substantial harm arising from the proposal.

12.30. No heritage specific conditions are necessary"

4.85. As explained in the Heritage SoCG (**CD9.4**), there are three listed buildings within the local area.

They comprise:

- The Grade II listed Wall Bordering North, West and South Sides of The Warren (entry number 1213778) which is located to the immediate east of the Site.
- The Grade II listed Boundary Wall to Woodcote Park Extending from Opposite Pumping Station to Corner with Chalk Pit Road (entry number 1232240) which is located on the north side of Langley Vale Road to the north west of the Site.
- The Grade II listed Coal Tax Post to South East of Langley Bottom Farm (entry number 1277034) which is located approximately 250m to the south of the Site.

4.86. As recorded in the SoCG, there is agreement that the Appeal Scheme will have no impact on the significance of the Boundary Wall to Woodcote Park, or the Coal Tax Post. The special architectural and historic interest of these listed buildings will be preserved.

4.87. However, there is disagreement regarding the impacts to the significance of the Wall Bordering North, West and South Sides of the Warren (described as the Wall Bordering the Warren.

4.88. The Council identifies there will be some less than substantial harm to its setting as a result of the Appeal Scheme. Mr Copp disagrees. He finds there will be no harm. Regardless, and as recorded in the Heritage SoCG, even on the Council's case, it is agreed that the harm is outweighed by the public benefits of the Scheme.

(9) Landscape

Landscape Assessment

4.89. Section 19 of the NPPF sets out the approach to conserving and enhancing the natural environment.

- 4.90. Paragraph 187(a) of the previous NPPF (Dec 2024) (**CD5.1**) required planning decisions to contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes (in a manner commensurate with their statutory status or identified quality in the development plan). As I explain in footnote (4) to my paragraph 1.38, the term 'Valued Landscape' does not appear in the new NPPF. Rather, it refers to 'Protected Landscapes', (Policy N4) which comprise National Parks, the Norfolk and Suffolk Broads and National Landscapes. The Appeal Site does not fall within any of these categories. As such, the Appeal Site is not a Protected Landscape.
- 4.91. As recorded in the Planning SoCG (**CD3.1**), it is agreed between the Appellant and the Council that the Appeal Site is not within, nor is it in the setting of a valued landscape (paragraph 5.7 refers). Nor is the Appeal Site within or in the setting of a Protected Landscape (the new NPPF definition).
- 4.92. The Appeal Site is not subject to any national landscape designations and, as I have discussed in section 3 of my evidence, there is no adopted policy that designates the Appeal Site as having any local landscape value either. As Mr Smith explains, the Appeal Site is not a Protected Landscape.
- 4.93. It is acknowledged that the Council is advancing a new Local Plan (**CD4.20**) with Policy DM16 setting out the approach to assessing development relevant to the character of the receiving landscape. Again, that does not confer any AGLV status to the Site in the form of any policy wording.
- 4.94. As I explain in Section 3 above, Policy DM16 of the Submission Local Plan (**CD4.20**) simply addresses landscape character, stating that development will be permitted where a landscape-led approach has been adopted, the valued characteristics of a local landscape character have informed the proposed development and the development proposals are accompanied by an LVIA. The criteria in Policy DM16 is satisfied by the Appeal Scheme. However, and in any event, it is agreed in the Planning SoCG (**CD3.1**) that the emerging Local Plan only carries limited weight.

- 4.95. Regardless, and as Mr Smith concludes at paragraph 5.2 of his evidence (**CD6.4**), the Site sits directly on the urban edge and is influenced by settlement, such that settlement form is part of the Appeal Site's inherent contextual character.
- 4.96. Moreover, as Mr Smith explains in his evidence (**CD6.4**), he does not consider the Appeal Site to be within a valued landscape (or a Protected Landscape as now defined under the new NPPF). These findings are reflected at paragraph 5.7 of the Planning SoCG (**CD3.1**)
- 4.97. As Mr Smith's landscape evidence records (**CD6.4**), whilst a change in landscape character is unavoidable as a result of the Appeal Scheme, the changes will relate to the immediate landscape and townscape context of the Appeal Site.
- 4.98. I adopt Mr Smith's findings, which conclude that the residual effects of the Appeal Scheme on the landscape character and appearance are limited and localised. In coming to that conclusion, Mr Smith's evidence records that the Appeal Site is:
- Well related, and subject to the urbanising influence of, Langley Vale.
 - Physically, visually, and perceptually associated with the settlement edge.
 - Capable of being designed in a manner which reflects the townscape and landscape context.

Visual and Spatial Openness

- 4.99. This section of my evidence is only relevant if the Inspector disagrees with the Appellant's evidence on the sustainability of the Appeal Site in the context of Policy GB7(1)(g)(iii) of the new NPPF (paragraph 155 (c) of the previous NPPF), and finds it would not be appropriate in the Green Belt.
- 4.100. It is only in that scenario that there would be a need to consider harm to openness: R (on the application of Lee Valley Regional Park Authority) v Epping Forest DC [2016] EWHC Civ 404; [2016] Env L. R. 30 upholding Dove J (as he then was) (**CD17.20**).

4.101. Section 5 of Mr Smith's evidence considers the effects of the Appeal Scheme in relation to 'openness'.

4.102. Paragraphs 5.39 and 5.40 of Mr Smith's evidence identify that development of the Site would result in a physical loss of openness to a discrete and small part of the Green Belt, which has a limited contribution to the strategic function of openness."

4.103. Paragraphs 5.47 and 5.48 of Mr Smith's evidence expand on this, stating:

"The topographical containment of the Site, together with existing woodland, hedgerows, and built form to the north, limits long-range visibility and prevents the development from being visually prominent across the wider landscape.

Setbacks from Langley Vale Road and additional woodland planting along key edges will reduce the prominence of built form in views beyond the Site. This visual buffering contributes to maintaining the perceptual sense of openness in the wider area, even with some built form introduced. "

4.104. I adopt Mr Smith's findings on landscape and openness, which also inform my overall assessment of the Scheme in relation to the Green Belt. I return to this matter in section 5 below.

(10) Agricultural Land

4.105. The Appeal Application was accompanied by an Agricultural Land Classification and Considerations Report (**CD1.16**). This report assessed the agricultural land quality of the Appeal Site, and the adjoining land (totalling 10.4ha). The report concludes that the area surveyed is a mixture of subgrade 3a and 3b agricultural land split as follows:

- Subgrade 3a: 5.2ha (50%)
- Subgrade 3b: 5.1ha (49%)
- Non-agricultural: 0.1ha (1%)

4.106. The loss of agricultural land is discussed at paragraphs 9.2-9.18 of the Officer's Report to Committee (**CD3.1**). Paragraph 27.3 of the Officer's Report attributes limited weight to the loss of subgrade 3a agricultural land. I adopt this assessment as my own.

(11) Planning Obligations

4.107. Matters of detail, including in relation to the likely financial contributions, are to be agreed as part of the preparation of a legal agreement. A draft S106 agreement was circulated to the Appeal Parties on 18 August 2026) (**CD18.4**). However, at the time of writing, whilst the Appellant has received comments from the County Council, EEBC has yet to engage in the process.

4.108. Subject to meeting the necessary tests at Policy DM6 of the NPPF, it is considered that the following (which list is not exhaustive as the S106 remains in progress at the time of settling my evidence) will be provided for in a legal agreement:

- i) £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.
- ii) £28,930.97 towards police infrastructure to mitigate for the population growth.
- iii) £6,900 BNG Monitoring Fee.
- iv) £20,000 Section 106 Administration and Compliance Fees.
- v) £5,000 Travel Plan Monitoring Fee.
- vi) Delivery of Affordable Housing as follows:
 - (1) 39 x rented (anticipated as social rent levels) in a mix of unit sizes that reflects the future housing mix configuration of the site.
 - (2) 16 x intermediate (anticipated as shared ownership) rented in a mix of unit sizes that reflects the future housing mix configuration of the site.
- vii) 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.
- viii) Provision of cycle vouchers for occupiers of the new development.
- ix) Habitat Creation and Management Plan.
- x) Open Space Management and Maintenance Strategy and unrestricted public access to be maintained to the Open Space.

xi) Play Area Management and Maintenance Strategy and unrestricted public access to be maintained to the Play Areas.

xii) Landscape Management and Maintenance Strategy.

4.109. Epsom & Ewell Borough District is a CIL Charging Authority and financial contributions will also be secured at the reserved matters stage once the amount of proposed floorspace is fixed.

(13) Highway Safety & Impacts on Horse Racing Industry

4.110. It is agreed in the Highways SoCG (**CD9.6**) that the Appeal Scheme will not prejudice the safe operation of the highways network, including with regard to equestrian movements. As evidenced by the Local Highway Authority's position on the Appeal Application (**CD3.9 to CD3.12**) and the assessment of the matter within the Officer's report to Committee (**CD3.1**) no objection was raised to the matter then either.

4.111. As I have referenced in my evidence, great weight is to be placed upon the Local Highway Authority's comments as a statutory consultee and clear and cogent reasoning is required in order to reach a differing conclusion. This requirement is set out in *Shadwell Estates Ltd v Breckland DC* [2013] EWHC 12 (Admin) (**CD17.21**), at [72] where Mrs Justice Lang said:

"Secondly, a decision-maker should give the views of statutory consultees, in this context the "appropriate nature conservation bodies", "great" or "considerable" weight. A departure from those views requires "cogent and compelling reasons..."

4.112. The Council now accepts this position and has removed Reason for Refusal 4. However, and whilst I have provided the clear and cogent reasoning to disagree with the Local Highway Authority's assessment of locational sustainability, no such justification has been given by the Rule 6 party to disagree with the Local Highway Authority's assessment of highway safety (including with regard to equestrian movements).

4.113. Mr Hamshaw addresses potential impacts upon equestrian movements in section 5 of his evidence (**CD6.6**). I adopt these conclusions.

4.114. Given the Appeal Scheme will not prejudice equestrian safety, I conclude that the Appeal Scheme will not prejudice the safe operation of the local horse racing industry.

5. GREEN BELT

General

- 5.1. As I explain in section 1 above, much is agreed between the Appellant and the Council.
- 5.2. It is agreed that the Appeal Site constitutes grey belt land.
- 5.3. It is also agreed that the Appeal Site does not strongly contribute to any of purposes (a), (b) or (d) at Policy GB2 of the NPPF (paragraph 143 of the previous NPPF).
- 5.4. The only issue between the Appellant and the Council is whether the development would be in a sustainable location and thus whether the Appeal Scheme satisfies criteria (c) at paragraph 155 of the previous NPPF, which test is to be found at Policy GB7((1)(g)(iii). If it is, the Appeal Scheme is not inappropriate development and it should be positively determined in accordance with the presumption in favour of sustainable development at Policy S3, S5(5) of the NPPF.

Assessing Whether the Scheme is Inappropriate Development

The Green Belt Purposes

- 5.5. Policy GB2 of the new NPPF (paragraph 143 of the previous NPPF) sets out the five green belt purposes (a) to (e).
- 5.6. The Appeal Site was most recently assessed in the Council's Green Belt Topic Paper (January 2026 (**CD4.23**) under Site Ref: WOO020. In this assessment, the Council applies a scoring metric to the sites they assess. This is reproduced in **Figure 5** below.

Figure 5: Scoring Matrix from the Council's Green Belt Topic Paper (CD4.23)

Purposes of Green Belt	Scores
1) to check the unrestricted sprawl of large built-up areas;	0 Parcel does not perform against the purpose
2) to prevent neighbouring towns merging into one another;	1 Parcel is lower performing
3) to assist in safeguarding the countryside from encroachment	2 Parcel is moderately performing
	3 Parcel is higher performing

5.7. The scoring metric uses numbers (1), (2) and (3) for the Green Belt purposes at paragraph 143 of the previous NPPF (new NPPF Policy GB2(1)), which translate to purposes (a), (b) and (c). The Topic Paper does not assess purpose (d).

5.8. The Appeal Site was assessed by the Council as follows:

- Purpose 1: 2 out of 3 (moderate)
- Purpose 2: 1 out of 3 (low)
- Purpose 3: 2 out of 3 (moderate)

5.9. On the Council's scoring, the Appeal Site does not make a strong contribution to any of the assessed purposes.

5.10. I concur with the Council's findings.

5.11. I also conclude on purpose (d) that the Site makes no contribution on account of the fact that Langley Vale is not a historic town.

5.12. Similarly, I find no conflict with purpose e) on account that the Council has insufficient brownfield land to meet its pressing housing needs.

5.13. For the reasons I have explained, the Appeal Site does not make a strong contribution to any of the five Green Belt purposes Policy GB2 of the new NPPF (paragraph 143 of the previous NPPF).

Grey Belt Land

- 5.14. Policy GB7(1)(g) of the new NPPF (paragraph 155 of the previous NPPF) sets out the approach to 'Grey Belt' land, which enables the development of homes, commercial or other development in the Green Belt not to be regarded as inappropriate if specified conditions are met.
- 5.15. 'Grey Belt' is defined in the Glossary to the NPPF as land in the Green Belt that does not strongly contribute to any of the purposes (a), (b) or (d) at Policy GB2(1) of the new NPPF (paragraph 143 of the previous NPPF). The definition no longer 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 development.
- 5.16. As explained at paragraph 5.4 of the Planning SoCG (**CD3.1**), it is agreed that the Appeal Site comprises grey belt land. It is further agreed at paragraph 4.19 and 4.26 that there are no footnote 7 designations (other than green belt) that, either individually or cumulatively, on the Council's case, could provide a strong reason for refusing the Appeal Scheme. However, that is no longer a relevant consideration under the new NPPF.
- 5.17. Paragraph 6.1 of the Planning SoCG (**CD6.1**) confirms that the only matter of disagreement between the parties for the purposes of paragraph 155 of the previous NPPF (Policy GB7 of the new NPPF) is whether the Appeal Site is sustainably located (Policy GB7(1)(g)(iii)) (paragraph 155(c) of the previous NPPF).

My Assessment of Locational Sustainability

- 5.18. Policy GB7(1)(g)(iii) of the NPPF states:

"The following categories of development are not inappropriate in the Green Belt, and therefore should not be regarded as harmful to the Green Belt, or be required to demonstrate very special circumstances:

(g)(iii) The development would be in a sustainable location, with particular reference to policy TR3 of this Framework..."

5.19. Policy TR3 states:

"1. So that development is located where it can support sustainable patterns of movement, enable good accessibility for different users and make the most of existing and proposed transport infrastructure, development proposals should reflect the following principles, taking into account the vision for the site, the type of development and its location:

(a) Development proposals which could generate a significant amount of movement, in the context of the area within which they would be situated, should be in locations that are sustainable (or which can be made so, taking into account planned improvements, including any provided for as part of the development itself). This means the location should limit the need to travel, particularly by private car, and offer a genuine choice of transport modes for residents and users, unless the nature of the development would make this impractical;

(b) Opportunities should be taken to utilise existing or proposed transport infrastructure in optimising the amount or density of development which can be accommodated in different locations, especially where this can support more walking, wheeling, cycling and public transport use;

(c) Any significant adverse impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, should be mitigated to an acceptable degree using a vision-led approach;

(d) The environmental impacts of traffic and transport infrastructure should be identified, assessed and taken into account – including taking opportunities to avoid or mitigate any adverse environmental effects, and to secure net environmental gains such as reductions in air pollution; and

(e) In rural areas, opportunities to improve walking, wheeling, cycling and public transport and enhance the connectivity of an area should be taken where they exist and can be supported by the development proposed.

2. The Connectivity Tool should be used alongside other relevant quantitative or qualitative evidence in assessing the connectivity of particular locations proposed for development."

- 5.20. The Local Highway Authority's objection to the Appeal Application (**CD3.10**) cites the Appeal Site achieving a score of 42 on the Department for Transport's ("DfT") Connectivity Tool ("CT") when assessed on a national basis.
- 5.21. As Mr Hamshaw explains at section 4.6 of his evidence (**CD6.6**), this is not the most appropriate approach to take and reiterates that using the Authority Banding Score generated by the CT offers a more reasonable approach. I agree as it would be unreasonable to compare the Appeal Site to out of authority examples when these Sites can make no contribution to alleviating the Council's pressing housing needs¹³.
- 5.22. The Appeal Site achieves an authority banding score of 'J'. Whilst this is the lowest band,¹⁴ Mr Hamshaw identifies with Table 4.6, and elaborates within paragraphs 4.6.5-4.6.9, of his evidence (**CD6.6**) that other sites that the Council are intending to advance are no more sustainably located than the Appeal Site.
- 5.23. The Local Highway Authority's comments on the Appeal Scheme (**CD3.9. to CD3.12**) take no account that the locality of the Appeal Site has twice been found to be a sustainable location by the Planning Inspectorate (**CD15.1** and **CD15.2**). This is a fundamental omission of material consideration of the highest weight. The irrefutable materiality of these decisions is made no clearer than in paragraphs 9.50-9.59 of the Officer's Report to Committee. I adopt the Officer's conclusions as my own.
- 5.24. Whilst I place great weight upon the Local Highway Authority's technical responses to the Appeal Scheme as a statutory consultee, the two appeal decisions (**CD15.1** and **CD15.2**), the Officer's Report to Committee (**CD3.1** (paragraphs 9.44 to 9.59)) (including the caselaw reference therein) (**CD17.11**), and Mr Hamshaw's evidence provide clear and cogent reasoning for departing from the Local Highway Authority's assessment of locational sustainability.

¹³ Save for those that share a border with EEBC under the Duty to Cooperate.

¹⁴ On a scale of A-J

5.25. It is also noteworthy that disagreeing with a matter already found acceptable by the Planning Inspectorate is cited as a textbook definition of unreasonable behaviour in the PPG¹⁵. Given the locality of the Appeal Site has been found to be sustainable twice by the Planning Inspectorate (**CD15.1** and **CD15.2**), the fact that the Council took Counsel advice on the matter as part of reporting the Application to Planning Committee (**CD3.1**, paragraph 9.59) the Local Highway Authority and the R6P continue to act unreasonably in their continued pursuit of this objection to the Appeal Scheme. It has incurred additional time and expense to the Appellant, including taking up unnecessary inquiry time.

5.26. For these reasons, I conclude the Appeal Site is sustainably located and therefore meets the requirements of Policy TR3 of the new NPPF (Paragraphs 110, 115, and 155 of the previous NPPF).

I consider the Appeal Scheme is not inappropriate Green Belt development.

The Alternative Scenario: If the Appeal Scheme is found to be Inappropriate Development

General

5.27. This scenario is engaged if the Inspector disagrees with my assessment, founded on the evidence of Mr Hamshaw, which I adopt, such that the Appeal Site is found not to be sustainably located.

5.28. This requires an assessment of the Appeal Scheme in the context of the approach set out at Policy GB6(2) of the new NPPF (paragraph 153 of the previous) NPPF. That assessment requires substantial weight to be given to any harm to the Green Belt, including harm to its openness.

5.29. In this scenario, the test to be applied is whether the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations to amount to the very special circumstances required to justify the development.

5.30. As Policy GB6(2) of the NPPF explains, substantial weight should be given to any harm to the Green Belt, including harm to openness.

¹⁵ Paragraph: 049 Reference ID: 16-049-20140306

Definitional Harm

- 5.31. If the Appeal Site is found not to satisfy the tests at Policy GB7 of the new NPPF (paragraph 155 of the previous NPPF), the Appeal Scheme would amount to inappropriate development. This is, by definition, harmful to the Green Belt.

Assessing Openness

- 5.32. The impact of the Appeal Scheme on the openness of the Green Belt has been assessed by Mr Smith (**CD6.4**). Section 5 of his evidence refers.
- 5.33. If the development proposals are found not to be inappropriate development on previously developed land or grey belt, an assessment of the impact of the proposals on openness is not required. As Mr Smith explains, if the development proposals are found to be inappropriate development within the Green Belt, then an assessment of the effect of the proposals on openness is required.
- 5.34. Case law at **CD17.13** (Samuel Smith Old Brewery (Tadcaster) and others) (Respondents) v North Yorkshire County Council (Appellant) UKSC/2018/0077) has established that there are two critical limbs to take into account in an assessment of openness:
- the spatial dimension: i.e. how built-up the Green Belt is now and how built-up it would become; and
 - the visual dimension: i.e. the visual impact of a proposed development.
- 5.35. The Appeal Scheme would introduce residential development within the Appeal Site, along with the paraphernalia generally associated with residential development, such as garages, cycle and bin storage, boundary treatments etc.

- 5.36. As Mr Smith concludes, the change from an open field to residential development would have an impact on the spatial dimension of the openness of the Appeal Site.
- 5.37. With regard to the visual aspect of openness, built form associated with the Appeal Scheme would be introduced to existing open views across the Appeal Site from locations within the Appeal Site and on its boundaries. The topographical containment of the Site, together with existing woodland, hedgerows, and built form to the north, limits long-range visibility and prevents the development from being visually prominent across the wider landscape.
- 5.38. I adopt Mr Smith's finding on the impact of the Appeal Scheme upon the openness of the Green Belt (section 5 of his Landscape Evidence refers) (**CD6.4**), namely:
- There would be an impact on the spatial dimension of openness due to the introduction of built form to a currently undeveloped site, but this loss is concentrated in a discrete part of the wider Green Belt; and
 - There would be a limited and localised impact on the visual dimension of openness.

Summary of the Harms in this Scenario

Green Belt Harm

- 5.39. Contrary to my conclusion that the Appeal Scheme would not constitute inappropriate development in the Green Belt, should the Inspector conclude otherwise, the Green Belt harm that would need to be weighed in the balance to be undertaken at Policy GB6(2) of the new NPPF (paragraph 153 of the previous NPPF) would be as follows:
- Definitional Harm
 - Harm to the Openness (Spatial and Visual)
 - Impacts in respect of purposes a) and c)
- 5.40. In accordance with the approach set out at Policy GB6(2) of the new NPPF, I attach substantial weight to the green belt harm I have identified under this scenario.

Other Harms

- 5.41. The other harms to be weighed in the balance include (i) the conflict with the development plan (very limited weight), (ii) localised change in landscape character (limited weight); and (iii) loss of Grade 3a agricultural land (limited weight).

Summary

- 5.42. This section of my evidence has considered the 'alternative scenario' should the Inspector find against my judgment and conclude that the Appeal Scheme represents inappropriate development in the Green Belt (on account of the Appeal Site being in an unsustainable location, which is the only issue in dispute with EEBC).
- 5.43. This requires an assessment of the Appeal Scheme in the context of the approach set out at Policy GB6(2) of the new NPPF (paragraph 153 of the previous NPPF).
- 5.44. Based on the many benefits secured by the Appeal Scheme, **I consider that the harms I have identified are clearly outweighed by other considerations, amounting to the very Special circumstances to justify the grant of planning permission.**
- 5.45. For the avoidance of doubt, I also reach this conclusion even were I to apply the Council's assessment of the harms and benefits they identify.

6. PLANNING BALANCE: SUMMARY & CONCLUSION

The Appeal Scheme

- 6.1. The Appeal Scheme proposes an outline application for the demolition of an existing dwelling and the erection of up to 110 dwellings (including 50% affordable housing), new public open spaces, landscaping, and associated infrastructure works together with access from Langley Vale Road. Appearance, landscaping, layout and scale are reserved for subsequent determination.

Development Plan

- 6.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out a requirement for planning applications to be determined in accordance with the development plan unless other material considerations indicate otherwise.
- 6.3. In this instance, the location of the Appeal Site is beyond the settlement boundary for Langley Vale as defined in the Development Plan (Policy CS8 refers).
- 6.4. However, I attach **very limited weight** to the conflicts with this policy because, as I have explained, they are not consistent with the Framework (Annex A, paragraph 2 of the new NPPF refers).

Material Considerations

- 6.5. The Council is not able to demonstrate a five-year supply of deliverable housing land. Furthermore, the presumption is also engaged on account of the HDT results.
- 6.6. As such, it is common ground between the Council and Appellant that the Council is not meeting the requirements at paragraphs 61 or 78 of the NPPF. In the circumstances, the presumption at Policy S3 of the new NPPF (paragraph 11(d) of the previous NPPF) is engaged.

- 6.7. This is based on my assessment that the Appeal Scheme would utilise grey belt land and would satisfy the requirements at Policy GB7(1)(g) and Policy GB8 and is not inappropriate development within the Green Belt.
- 6.8. The locality of the Appeal Site location/context has twice been found by the Planning Inspectorate to be a sustainable location (**CD15.1** and **CD15.2**). This was also the conclusion in the Officer Report to Planning Committee upon the Appeal Application (**CD3.1**, paragraphs 9.44 to 9.59 refer).
- 6.9. In my opinion, neither the Local Highway Authority nor the R6P can reasonably maintain the suggestion that the Appeal Site is in an unsustainable location. Such a stance would be unreasonable, including on the basis that the Council is seeking to advance sites within their emerging Local Plan (**CD4.20**) that are no less sustainable than the Appeal Site (Mr Hamshaw's evidence at **CD6.6** refers).
- 6.10. I conclude that the Appeal Scheme is not inappropriate development in the Green Belt, as it would utilise grey belt land and would also satisfy all of the relevant criteria at Policy GB7 and GB8 of the NPPF. The Appeal Scheme complies with the Golden Rules. This attracts substantial weight in favour of the grant of planning permission. I conclude planning permission should be granted.
- 6.11. This is because the adverse impacts of granting planning permission, comprising (i) conflict with the Development Plan, (ii) localised landscape harm, and (iii) loss of subgrade 3a agricultural land; do not come anywhere near to substantially outweighing the benefits, when assessed against the national decision-making policies in the NPPF taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
- 6.12. The benefits from the Appeal Scheme are many and manifest, not least the provision of housing and affordable housing when the Country and the Borough faces a housing crisis, which government policy is seeking to address.

- 6.13. The Appeal Site is sustainably located, within a reasonable walking and cycling distance from local services and facilities within Langley Vale and beyond, and the Appeal Scheme will contribute to meeting the substantial need for market and affordable housing in the current five year period.
- 6.14. Informed by my considerations in section 4 above, the weighting I give to the adverse impacts and benefits arising from the Appeal Scheme in a scenario where the Appeal Site is found to comprise grey belt, are summarised in **Figure 6** below.

Figure 6: Harms and Benefits

Harms	Weight
Conflict with the Development Plan	Very Limited
Landscape & Visual Harm	Moderate
Loss of Agricultural Land	Limited
Benefits	Weight
Provision of up to 55 Market Homes	Substantial
Provision of up to 55 Affordable Homes	Substantial
Economic Benefits (job creation & local expenditure)	Moderate
Biodiversity Net Gain	Moderate
On-Site POS	Moderate
Enhanced connectivity, footpaths, cycle links and bus service enhancements	Moderate
Satisfying the 'Golden Rules' at paragraph 158 of the NPPF	Substantial

- 6.15. In addition to the balance I have struck in **Figure 6** above, if, in the alternative the Inspector were to conclude that the Site did not comprise grey belt on account of the Site not being in a sustainable location (which, for the reasons I have explained, is not supported by the evidence), the Appeal Scheme would need to be assessed in the context of the balance to be undertaken at paragraph GB6(2) of the new NPPF (paragraph 153 of the previous NPPF). In that regard, harm to the Green Belt (definitional harm and impact on openness) would carry substantial weight.
- 6.16. A finding of the Site being in an unsustainable location would also carry moderate weight (because the Site is more sustainable than many of the options that the Council is seeking to allocate for housing (Mr Hamshaw's evidence refers (**CD6.6**)). In that scenario, I am of the opinion that the harm to the Green Belt and any other harm resulting from the proposal is clearly

outweighed by other considerations to amount to the very special circumstances to justify the grant of planning permission.

6.17. When carrying out my planning balance in the context of the presumption in favour of sustainable development at Policy S3 and S5(5) of the NPPF, I conclude that the **adverse effects do not substantially outweigh the benefits.**

6.18. For the avoidance of doubt, I also reach this conclusion even were I to apply the Council's assessment to their identified harms and benefits.

6.19. This reflects the conclusion of the Council's professional officers at paragraph 27.9 of their Report to the Council's Planning Committee (**CD3.1**), which states as follows:

"The site is located within the Green Belt which is identified as a protected area/asset of particular importance. The proposed development constitutes appropriate development of grey belt land. The proposed development complies with the Golden Rules, carrying significant weight in favour of the grant of permission, in accordance with paragraph 158 of the NPPF. The development is therefore not inappropriate."

6.20. In the alternative, were the Inspector to find that the Appeal Scheme amounted to inappropriate development in the Green Belt (on account of the Appeal Site being in an unsustainable location), I conclude that the Green Belt harm, and any 'other' harm I have identified is clearly outweighed by other considerations to amount to the very special circumstances to justify granting planning permission.

6.21. In this scenario, my conclusion again reflects the conclusion of the Council's professional officers at paragraph 27.12 of their Report to the Council's Planning Committee (**CD3.1**), which concludes as follows:

"Within this overall balance, having regard to the above factors, national Green Belt policies do not provide a clear reason for refusing the proposed development. The adverse impacts of granting permission in this particular instance do not significantly and demonstrably outweigh the benefits. when assessed against the policies in the Framework taken as a whole, or where specific policies in the Framework indicate that development should be restricted."

6.22. For the reasons set out above, supported by the findings of the Council's professional planning officers, it is my evidence to this inquiry that the Appeal should be allowed.

SB1

Farm View, Langley Vale Road, Epsom

HERITAGE IMPACT ASSESSMENT

TCMS.3077

Summary

1. This Heritage Impact Assessment has been prepared by Thomas Copp BA (Hons), MA as part of Appeal 6006971 which relates to Farm View, Langley Vale Road, Epsom, Surrey.
2. It has been prepared to identify relevant built heritage assets in the local area that may be affected by the appeal proposals and to assess how the appeal proposals will affect their significance.
3. This agreed Heritage Statement of Common Ground confirms that there is a dispute between the Appellant and the Council regarding the impacts to the significance of the Grade II listed “Wall Bordering North, West and South Sides of The Warren” (NHLE 1213778) which is located to the immediate east of the Site. This HIA provides an assessment of the significance of this listed building, before assessing how the proposed development will affect that significance.
4. The Wall was constructed in the early 18th century to enclose the Hare Warren, a secure, wooded enclosure used for the breeding of hares, which would be used for coursing. The hares would pass through trapdoors within the Wall onto the Downs to the south, where they would be pursued by greyhounds. The significance of the Wall is drawn from its historic interest, which is tied to its rarity and historic use.
5. The Wall has seen significant alterations during the 20th century, with large sections damaged, rebuilt or lost in their entirety. This includes the section of the Wall to the immediate east of the Site, which has been almost entirely demolished. The longer, South-West Section is more intact and illustrates the historic function of the listed building.
6. The setting of the Wall has also been changed by the demolition of sections and by changes to its use with the Warren now used as a recreation ground and for walking. The setting to the north has been changed by the development of Langley Vale, while it retains a more open, rural setting to the south, east and west. This includes the Downs to the south and south-east.
7. The best appreciation of the Wall’s significance is provided from within the Warren, where the structure can be seen and its historic use understood. Vegetation now covers the outer faces of the Wall and almost entirely prevents any views of it from the surrounding landscape.
8. The section of the Wall closest to the Site has been almost entirely lost and it is not possible to understand the historic function of this part of the Wall. In addition, the Site has historically served as enclosed, arable land rather than as part of the wider Downs and does not share a historic functional relationship with the Wall. The Site makes no contribution to the significance of the Wall as a result.
9. The proposed development will alter one element of the Wall’s setting, but will not affect land that was functionally related to it and will not diminish the ability to appreciate and understand its historic function. In addition, the proposed development includes an area of open space within the eastern part of the Site which will retain the immediate, undeveloped setting to this part of the Wall with the proposed dwellings located approximately 40m to the west.
10. The special architectural and historic interest of the Wall will be preserved (i.e. kept from harm). The proposals subject to this Appeal therefore comply with section 66 of

the Planning (Listed Buildings and Conservation Areas) Act, 1990. The development will “protect” the heritage asset in accordance with Core Policy C5 and the proposals will be “acceptable” as defined by Policy DM8.

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Figure 12: One of the openings within the South-West Section of the Wall.

Figure 13: Warrener's Cottage.

Figure 14: The outer face of the South-West Section of the Wall.

Figure 15: A view from within the eastern part of the Site towards the Warren.

Appendices

Appendix A: Components of the Wall to the Warren

1. Introduction

- 1.1. This Heritage Impact Assessment (HIA) has been prepared by Thomas Copp BA (Hons), MA as part of Appeal 6006971 which relates to Farm View, Langley Vale Road, Epsom, Surrey (the Site).
- 1.2. I am a Director and founding partner of TCMS Heritage Ltd. Prior to establishing TCMS, I was a Senior Director and Head of the London Built Heritage Team at RPS, where I worked for a total of ten years. I hold an undergraduate degree (Bachelor of Arts with Honours) in History and a postgraduate degree (Master of Arts with Distinction) in Urban Conservation.
- 1.3. I have extensive experience of advising on residential schemes and their impact on the setting of heritage assets. My recent experience includes providing heritage expert witness advice on an outline proposal for the construction of up to 135 dwellings within the setting of a conservation area and listed buildings at Melbourne, Derbyshire (PINS ref. APP/F1040/W/25/3368728) and for the development of up to 150 dwellings at Ruishton, Somerset (PINS ref. APP/E3335/W/24/3349986).
- 1.4. This HIA has been prepared to assist with the determination of this Appeal and should be read alongside the Heritage Statement of Common Ground (HSOCG) which has been prepared separately and agreed with Epsom and Ewell Borough Council (the Council).
- 1.5. The HSOCG confirms that the proposed development will have no impact on the significance of the Grade II listed “Boundary Wall to Woodcote Park Extending from Opposite Pumping Station to Corner with Chalk Pit Road” (NHLE 1232240) which is located on the north side of Langley Vale Road to the north west of the Site, or to the Grade II listed “Coal Tax Post to South East of Langley Bottom Farm” (NHLE 1277034) which is located approximately 250m to the south of the Site.
- 1.6. There is a dispute between the Appellant and the Council regarding the impacts to the significance of the Grade II listed “Wall Bordering North, West and South Sides of The Warren” (NHLE 1213778) which is located to the immediate east of the Site. This HIA provides an assessment of the significance of this listed building, before assessing how the proposed development will affect that significance. The listed building is described as “the Wall” throughout this report. Individual parts of the Wall are described separately, with reference to the plan included at Appendix A.
- 1.7. This report has been prepared in accordance with paragraph 207 of the NPPF, which requires a proportionate description of the significance of heritage assets affected by a proposed development, with consideration given to any contribution made by their significance. It also complies with relevant Historic England guidance, notably *GPA2: Managing Significance in Decision Taking in the Historic Environment* (CD.11.5) and *GPA3: The Setting of Heritage Assets* (CD.11.6). The methodology used in undertaking this assessment is set out at Section 2.
- 1.8. This report has been informed by a review of the application documents, historic research and a Site visit undertaken on 3rd July 2026. This included a walkover of the Site to view the relevant heritage assets and a walkover of The Warren, which is publicly accessible. The weather during the Site visit was sunny, with clear skies which allowed for good visibility. Relevant photographs from the Site visit are included within this HIA.

2. Methodology and Approach

- 2.1. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act, 1990 (as amended) states that:

In considering whether to grant planning permission [or permission in principle] for development which affects a listed building or its setting, the local planning authority, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

- 2.2. The Act is supported by the **National Planning Policy Framework (NPPF)**, which states at paragraph 212 that:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

- 2.3. Conservation is defined in the NPPF as:

The process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance.

- 2.4. Paragraph 213 states that:

Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

- 2.5. The NPPF is clear that protection should be afforded to designated heritage assets and their settings.

- 2.6. Significance is defined in the NPPF as:

The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.

- 2.7. The **Planning Practice Guidance (PPG)** provides further information regarding those interests and defines them as follows:

Archaeological interest: As defined in the Glossary to the National Planning Policy Framework, there will be archaeological interest in a heritage asset if it holds, or potentially holds, evidence of past human activity worthy of expert investigation at some point.

Architectural and artistic interest: These are interests in the design and general aesthetics of a place. They can arise from conscious design or fortuitously from the way the heritage asset has evolved. More specifically, architectural interest is an interest in the art or science of the design, construction, craftsmanship and decoration of buildings and structures of all types. Artistic interest is an interest in other human creative skill, like sculpture.

Historic interest: An interest in past lives and events (including pre-historic). Heritage assets can illustrate or be associated with them. Heritage assets with historic

interest not only provide a material record of our nation's history, but can also provide meaning for communities derived from their collective experience of a place and can symbolise wider values such as faith and cultural identity.

- 2.8. The PPG also provides additional information related to the meaning of harm and the scale of harm that may be caused to the significance of a designated heritage asset. This is set out at paragraph 018 which states:

Within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated

- 2.9. Policy C5 of the 2007 **Epsom and Ewell Borough Council Core Strategy** is cited in the Officer's Report and is relevant to this Appeal. It states:

The Council will protect and seek to enhance the Borough's heritage assets including historic buildings, conservation areas, archaeological remains, ancient monuments, parks and gardens of historic interest, and other areas of special character.

The settings of these assets will be protected and enhanced.

High quality and inclusive design will be required for all developments.

Development should:

- *create attractive, functional and safe public and private environments;*
- *reinforce local distinctiveness and complement the attractive characteristics of the Borough;*
- *make efficient use of land and have regard to the need to develop land in a comprehensive way.*

- 2.10. Policy DM8 of the **Development Management Policies Document** (2015) is also relevant. The relevant part of the policy states:

We will resist the loss of our Heritage Assets and every opportunity to conserve and enhance them should be taken by new development.

Development proposals that involve, or have an effect upon Heritage Assets must establish the individual significance of the Asset as part of the application or consent process. As part of the assessment process the significance of the Asset will be taken into account (namely whether it is a designated Heritage Asset or a non-designated Heritage Asset) when determining whether the impact of any proposed development is acceptable.

- 2.11. Historic England provide guidance related to assessing change to heritage assets under **GPA2: Managing Significance in Decision-taking in the Historic Environment** (CD.11.5). This document seeks to ensure that changes to heritage assets are informed by an appropriate assessment of their significance and that a staged approach is undertaken for decision making. The staged approach set out in GPA2 requires an applicant to:

- Understand the significance of the affected assets
- Understand the impact of the proposal on that significance
- Avoid, minimise and mitigate impact in a way that meets the objectives of the NPPF
- Look for opportunities to better reveal or enhance significance

- Justify any harmful impacts in terms of the sustainable development objective of conserving significance and the need for change
 - Offset negative impacts on aspects of significance by enhancing others through recording, disseminating and archiving archaeological and historical interest of the important elements of the heritage assets affected
- 2.12. Historic England provide guidance related to assessing change within the setting of heritage assets within **GPA3: The Setting of Heritage Assets** (CD11.6). The methodology requires the following:
- Step 1: Identify which heritage assets and their settings are affected*
- Step 2: Assess the degree to which these settings make a contribution to the significance of the heritage asset(s) or allow significance to be appreciated*
- Step 3: Assess the effects of the proposed development, whether beneficial or harmful, on that significance or on the ability to appreciate it*
- Step 4: Explore ways to maximise enhancement and avoid or minimise harm*
- Step 5: Make and document the decision and monitor outcomes*
- 2.13. The settings assessment provided at Section 5 follows the 5-step process set out above. Further explanation of each of these steps is provided in GPA3 and, where relevant, within Section 5 of this HIA.
- 2.14. For Steps 2 and 3, the document also provides a list of certain characteristics, or matters that should be considered when undertaking the assessment. This includes, for example, consideration of land-uses, historic associations, views, the orientation and aspect of the asset, noise, odours and other non-visual effects.
- 2.15. The guidance document is clear (see paragraph 9) that:
- Setting is not itself a heritage asset, nor a heritage designation [...] Its importance lies in what it contributes to the significance of the heritage asset or to the ability to appreciate that significance.*
- 2.16. To understand the contribution that an asset's setting makes to its significance, it is first therefore important to understand what significance the asset holds.
- 2.17. Paragraph 9 (under the first bullet point) also notes that:
- Settings of heritage assets change over time. Understanding this history of change will help to determine how further development within the asset's setting is likely to affect the contribution made by setting to the significance of the heritage asset. Settings of heritage assets which closely resemble the setting at the time the asset was constructed or formed are likely to contribute particularly strongly to significance but settings which have changed may also themselves enhance significance, for instance where townscape character has been shaped by cycles of change over the long term. Settings may also have suffered negative impact from inappropriate past developments and may be enhanced by the removal of the inappropriate structure(s).*
- 2.18. Paragraph 10 notes that setting is often expressed in terms of views, but that setting also incorporates additional non-visual elements of setting. Paragraph 14 emphasises that an analysis of setting is different from landscape assessment.

- 2.19. Paragraph 18 notes how the setting of a heritage asset, and appropriate assessment, should be used in decision making. It states:

Conserving or enhancing heritage assets by taking their settings into account need not prevent change; indeed change may be positive, for instance where the setting has been compromised by poor development. Many places coincide with the setting of a heritage asset and are subject to some degree of change over time. NPPF policies, together with the guidance on their implementation in the Planning Policy Guidance (PPG), provide the framework for the consideration of change affecting the setting of undesignated and designated heritage assets as part of the decision-taking process

- 2.20. Pages 9-15 set out how an assessment of a heritage asset's setting should be undertaken, following the 5 steps included at paragraph 2.13 above. Steps 2 and 3 includes helpful, non-exhaustive checklists of different factors that may be relevant when undertaking this assessment.

3. Site Description and Identification of Heritage Assets

- 3.1. The Wall Bordering the Warren is described in the list entry as having been constructed by Lord Baltimore of Woodcote Park in 1720. However, this is disputed with the construction of the Warren also attributed to the Earl of Berkeley, who lived at the Durdans, on nearby Chalk Lane. Irrespective of its exact origins, the Wall was most likely constructed in the early part of the 18th century and was in place by the time John Rocque surveyed the area and produced his map of Surrey in 1768 (Figure 1).



Figure 1: Extract from John Rocque's Map of Surrey, 1768. The Hare Warren is clearly depicted and is enclosed by the Wall. The land to the south is marked as *Walton Downs*. The land to the west (which includes the Site) is demarcated by dashed lines which usually indicate an arable use, demonstrating that it had been enclosed by this time and was not part of the Downs.

- 3.2. The Walton and Epsom Downs were a popular location for hare coursing (the hunting and pursuit of hares by greyhounds and horses) and the Warren was enclosed to provide a safe area for the hares to breed. They would then be forced through trapdoors within the wall, allowing their pursuit by the waiting dogs and by riders on horseback.
- 3.3. Subsequent mapping provides a more accurate depiction of the Warren. The 1816 First Edition Ordnance Survey (OS) shows the distinctive form of the Warren, which tapers towards its western end. The surrounding land remains undeveloped.



Figure 2: Extract from 1816 OS showing the Warren and the Walton Downs, with the Site to the west.



Figure 3: 1842 Epsom Tithe map showing the Warren and the Site.

- 3.4. The 1842 Epsom tithe map (Figure 3) and associated apportionment provide further information regarding land uses and ownership at this time. The Site forms part of the larger Plot 1596, which was owned by John Ivatt Briscoe and occupied by John Bowyer.

It was recorded as *Down Piece* and was in arable use. Bowyer also occupied the nearby Langley Bottom Farm.

- 3.5. The Warren is recorded as *Hare Warren* and was owned and occupied by Felix Ladbroke Esquire, a wealthy and prominent local landowner. The land use is given as *Keeper's House & Hare Warren*, with the keeper's house (now Warrener's Cottage) shown at the eastern end of the Warren. The land to the south and east (Plots 469 and 470) are recorded as the *Walton Downs* with the owner given as *The Lord of the Manor*. The Downs remained as unenclosed land during this period, used for recreation and horse riding.



Figure 4: 1866 OS Map of The Warren and surrounding area.

- 3.6. The 1866 OS (Figure 4) shows the layout of the Warren in detail. It is heavily wooded, with trees shown both within the enclosed warren and a line of trees along the Wall. The Wall appears to remain complete at this time and the internal area is crossed by various pathways. Warren House, which has since been demolished, is marked at the eastern end of the Warren, with Warrner's Cottage to the north. The surrounding landscape remains largely undeveloped, with the Walton Downs to the south and east, and agricultural land to the north and west, including the Site.
- 3.7. The Warren fell out of use in the 19th century, with the 1912 OS (Figure 5) showing changes within the Warren and the local area. Notably this included the clearing of some of the woodland within the eastern part of the Warren, presumably undertaken to provide a larger garden setting for Warren House. The map also shows the first signs of development at Langley Vale, with the principal roads having been set out and some of the plots developed. The Warren was used for saddling horses in association with the racecourse during the 19th century.



Figure 5: 1913 OS Map showing Warren House, The Warren and the development of Langley Vale.

- 3.8. Warren House was demolished in the inter-war period, with the land to the north later converted to the Warren Recreation Ground. The demolition of the House provided one of the more notable changes within the Warren in the 20th century, although much of the Warren has suffered from more gradual decline, with large sections of the Wall having been lost, damaged, or rebuilt. The Wall now survives as three distinct sections (which are listed separately, as described at paragraph 3.10 below). This has reduced both the extent of the Wall and the ability to understand its historic function.
- 3.9. The following section identifies the various listed buildings that are relevant to this Appeal. Section 4 subsequently provides a more detailed description of the Wall, together with an assessment of its significance.

Relevant Heritage Assets

- 3.10. The Warren was laid out in the 18th century, with the Wall constructed to enclose this space, while also providing openings through which hares could pass onto the Downs. The Wall now partially survives, with stretches of it listed under three separate listings. These are:
- Wall Bordering North, West and South Sides of The Warren (the listed building relevant to this Appeal)
 - Warrener's Cottage, just north of The Wall, including wall running a few yards to North
 - Wall Along East Part of North Side of the Warren Recreation Ground

- 3.11. Only the first of these listed buildings is assessed below. However, the other two listed buildings are relevant to the setting of the Wall Bordering the Warren and are also discussed to understand how they contribute to the significance of the Wall. All of the listed buildings lie to the east of the Site and enclose the Warren.
- 3.12. As agreed in the HSOCG, no other heritage assets will be affected by the proposed development subject to this Appeal and the following assessment focuses on the Wall Bordering North, West and South Side of The Warren only. It is hereafter described as “the Wall” with the separate sections described below and annotated on Appendix A.

4. Setting Assessment

Step 1: Identify which heritage assets and their settings are affected

4.1. The Wall Bordering the Warren is described in the listing (CD.11.4) as:

2. 1720, repaired since. Brick, some buttresses. Boundery [sic] wall to the hare warren set up by Lord Baltimore of Woodcote Park. Not complete, but 1 of only 2 known to survive in England.

4.2. The Wall includes three different sections which are annotated on Appendix A and described below. They comprise:

- The West Section of the Wall: a short length of approximately 35m on a north-south alignment
- The South-West Section of the Wall: a longer stretch which runs on a northwest-southeast alignment for approximately 300m
- The North Section of the Wall: a stretch of approximately 410m which abuts the rear gardens to properties fronting The Hayes, Mannamead and Spencer Close (which sit to the south of Beaconsfield Road)

4.3. Reference should also be made to Figures 6-15 which are included within the main body of the text.



Figure 6: The West Section of the Wall has been almost entirely demolished. This includes a section that has been removed to create an informal footpath between the Warren and the Site.

4.4. The West Section of the Wall has been almost entirely demolished, with only the footings and some of the lower courses of brickwork surviving in places. This is

illustrated by Figure 6 which show that the Wall is only identifiable by the small mound that marks its shallow foundations and the remaining bricks that are still bonded together, along with bricks that have been removed but which now lie close to the Wall. The historic interest of this section has been almost entirely lost as a result.



Figure 7: The Wall has suffered from vegetation growth which has damaged it and now obscures much of the structure.

- 4.5. The South-West Section of the Wall has also been lost, or damaged, in places. The western part of it (which lies closest to the Site) has been largely demolished. Parts of it have been entirely demolished, while other parts are only 3-4 courses in height. Some standalone sections do survive (see Figure 8). The eastern part of this section is more intact (Figure 9). It is 24 courses high and is constructed from red brick laid in a Flemish bond, with equally spaced piers and overhanging coping bricks. The construction of the Wall is evident from its internal face (i.e. the elevation looking north-east, see Figures 8 and 9), with vegetation covering much of the external face. There is evidence of the small holes, or trapdoors, which illustrate the historic use of the Wall.
- 4.6. Although this section of the Wall is more intact, it has still suffered from damage and rebuilding in places. Some parts have been almost entirely demolished, while others have suffered from vegetation growth. Despite the loss and damage, this section retains much of its historic interest and it is possible to understand the historic function of this part of The Wall.



Figures 8 and 9: The South-West Section of the Wall is substantially more intact than the West Section. This is particularly the case at its eastern extent (Figure 9) where the Wall has seen only localised repairs. The western parts have been largely lost, although standalone sections do survive (Figure 8).



Figures 10 and 11: The North Section of the Wall includes sections that have been rebuilt (Figure 10) and more historic sections that have seen less alteration (Figure 11).

- 4.7. The North Section of the Wall now abuts the rear gardens of properties that front Mannamead and Spencer Close and has been rebuilt in sections (see Figures 10 and

11). The historic parts of this section lie to the west and are constructed in a Flemish bond. Elements of the eastern part have been entirely rebuilt using modern brickwork, typically laid in a Sussex bond. The significance of this section is mixed, with the alteration to the eastern sections having lost much of the historic interest of this part of the Wall.

- 4.8. The significance of the Wall is most closely linked to its historic interest as a rare, partially surviving feature which illustrates historic recreational activities and the use of the Downs in the 18th century for hare coursing. At a local level, it assists in illustrating the growing popularity of similar pursuits in the 18th century and, ultimately, the development of the local horse racing industry.



Figure 12: One of the openings within the South-West Section of the Wall, through which the hares would have been forced onto the Downs.

- 4.9. The Wall is a simple and functional structure, without ornamentation and does not exhibit architectural or artistic interest, with its significance related instead to its historic role and use as an important enclosing feature.
- 4.10. The significance of the Wall has been diminished by the alterations over time, with large parts of the structure rebuilt, or lost entirely. This has diminished the historic interest of the Wall and the ability to understand its historic function. Although large stretches of it remain standing, there are gaps between these sections and other sections that have been lost almost in their entirety, with the Wall no longer forming a continuous, enclosing feature but instead a series of fragments spaced around the Warren. The ability to understand the historic function of the Wall and to appreciate its role have been reduced as a result.

Step 2: Assess the degree to which these settings and views make a contribution to the significance of a heritage asset(s) or allow that significance to be appreciated

- 4.11. The setting of the Listed Building essentially comprises three elements:
- The internal area the Wall encloses (the Warren)
 - The other sections of the Wall to the Warren that still survive (and which are listed separately)
 - The land and development outside of the Warren which surrounds the Wall and which includes the Site
- 4.12. The original purpose of the Wall was to enclose the Hare Warren, providing a protected area within which the hares could be bred, before being released through the trapdoors onto the Downs. This role in enclosing the central, wooded space and separating it from the wider landscape is therefore crucial to the significance of the Wall.
- 4.13. The land enclosed by the Wall is an important element of its setting which contributes to the historic interest of the Wall by illustrating its former use. As shown on historic mapping (notably Figure 4), the Warren was historically planted with numerous trees which would have provided shelter to the hares and an appropriate habitat. These mature trees remain, along with other self-seeded trees, and together provide a dense blanket of vegetation throughout much of The Warren. This illustrates the historic role of the Wall and contributes to its significance.
- 4.14. The land within the Warren also provides the best opportunities to view and appreciate the structure (see Figures 8-12). From here it is possible to see the construction of the Wall and partially understand its historic function as an enclosing feature.



Figure 13: Warrener's Cottage, which is separately listed at Grade II and adjoins a separate section of the Wall.

- 4.15. In addition to the listed building that is relevant to this Appeal, two other sections of the historic wall that enclosed the Warren still survive and are listed separately. These lie to the east of the Wall, with one section adjoining the Warrener's Cottage (Figure 13). Although there is some separation between the different sections, the three listed buildings when taken together do assist in illustrating the historic function of The Warren, with each of the listed buildings contributing to the significance of one another. This is evident when walking through The Warren, where it is possible to gain a gradual understanding and appreciation of the separate sections and understand their historic relationship with one another and their historic uses. As discussed at paragraph 4.10, this ability to appreciate their related functions has been diminished by the loss of large sections of the Wall.
- 4.16. The landscape beyond The Warren was historically important in illustrating the role of the listed building. However, this relationship has been changed over time by the demolition of large parts of the Wall, its changing function and the changes to the wider landscape. As noted in the Officer's Report, this has included the construction of dwellings to the north at Langley Vale, which has reduced the rural setting of the Wall.



Figure 14: The outer face of the South-West Section of the Wall is now entirely covered in vegetation, with no appreciation of the structure from the Site and surrounding landscape.

- 4.17. There is also established vegetation beyond the Wall to the west and south-west. This hedgerow (see Figures 14 and 15) prevents views of the Wall from the surrounding landscape and means that it is not possible to appreciate its historic interest or function. The Committee Report confirmed that “*The heritage assets appreciation as a boundary enclosure is limited to from within The Warren and from private gardens of the north*”¹.

¹ Paragraph 12.9

- 4.18. The Site lies to the west of the Wall and historically comprised arable farmland, as illustrated by the tithe map (as described more fully at paragraphs 3.4-3.5). This land was enclosed by the 18th century and did not form part of the Downs which shared a direct, functional association with the Warren and with the Wall. Although the Site provides some general, rural context it does not form part of the landscape that was used for hare coursing and there are no views between the Wall and the Site which allow its historic function and interest to be appreciated. A small opening in the hedge does provide informal access between the Warren and the Site, but the Wall has been almost entirely lost here.



Figure 15: A view from within the eastern part of the Site to the hedgerow that now marks the boundary of the Warren. The Wall is not visible and has been almost totally demolished in this location.

- 4.19. The Site does form part of the rural surroundings to the Wall, but does not contribute to its significance for the following principal reasons:
- The Site did not form part of the Downs and does not relate to the historic use of the Wall and the Warren
 - The section of the Wall (the West Section) that lies closest to the Site has been almost entirely lost and it is not possible to understand its historic function from within the Site
 - The vegetation that now sits outside of the Warren visually separates the Wall from the Site and there is no appreciation, or experience of the Wall from within the Site

Step 3: Assess the effects of the proposed development, whether beneficial or harmful, on the significance or on the ability to appreciate it

- 4.20. The proposed development includes the construction of up to 110 dwellings, with associated infrastructure and landscaping. The parameters plan demonstrates that the nearest residential development will be located approximately 40m to the west of the Wall, with the eastern part of the Site retained as open space, with an area of play and planting.
- 4.21. The proposed development will alter the setting of the Wall to the west. However, this will not affect its significance due to the current lack of appreciation of the Wall's historic interest and function from here. From within the Warren, the dense existing planting will restrict views of the development, while the section of the Wall that lies closest to the Site (the West Section) has been almost entirely lost and its historic function cannot be appreciated within these views. In addition, the historic (and present) use of the Site as arable land and not part of the Downs means that it does not relate to the historic function of the listed building.
- 4.22. The retention of the eastern part of the Site as open space, with an area of play, also means that the immediate setting of the Wall to the west will remain undeveloped and there will be a transition from the Warren into the development.
- 4.23. The views of the Wall from within the Warren that do allow the Wall's significance to be appreciated will be retained and it will still be possible to appreciate the significance of the Wall from within this enclosed space. The relationship between the Warren and the remains of the Wall that enclose it will be unchanged, while the land to the south and east (which comprises the Downs) will also remain open and undeveloped.
- 4.24. The proposed development will not diminish the historic interest of the Wall, or the ability to appreciate and understand its historic function. The development will be located within an area that is not historically related to the Wall and where the Wall has been almost entirely lost. It will not therefore diminish the significance of the Wall, with its historic interest unchanged.

Step 4: Explore Ways to maximise enhancement and avoid or minimise harm

- 4.25. The proposed development will have no impact on the significance of the Wall and no further design or mitigation measures are required. It should also be noted that the proposed development includes open space within the eastern part of the Site, retaining the immediate setting of the Listed Building as undeveloped.

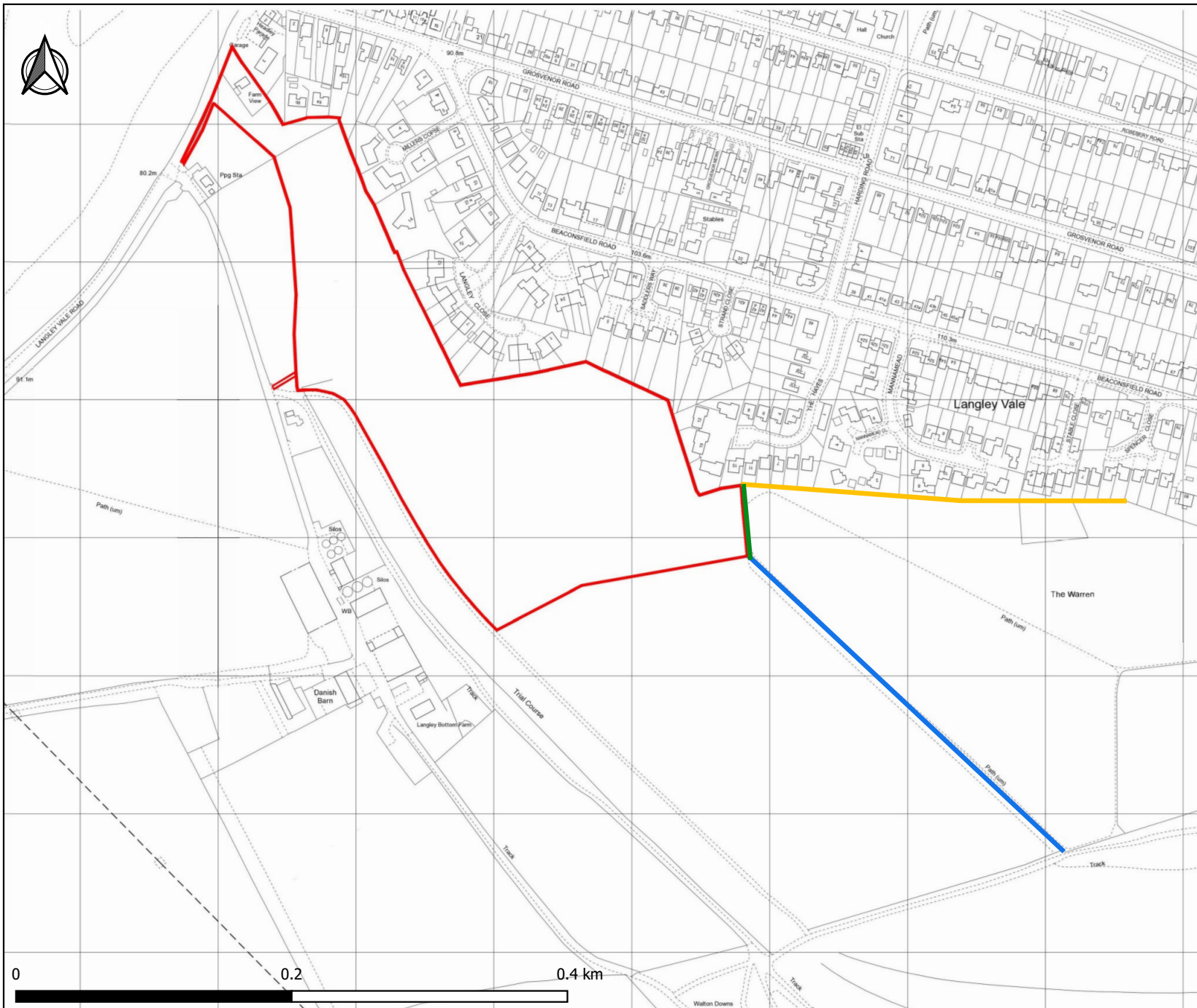
Step 5: Make and document decision and monitor outcomes

- 4.26. The proposed development will have no impact on the significance of the Wall, with its special architectural and historic interest preserved. The proposals subject to this Appeal therefore comply with section 66 of the Planning (Listed Buildings and Conservation Areas) Act, 1990. The development will "protect" the heritage asset in accordance with Core Policy C5 and the proposals will be "acceptable" as defined by Policy DM8.

5. Conclusions

- 5.1. The listed Wall to the Warren was constructed in the early 18th century to enclose the Hare Warren, a secure, wooded enclosure used for the breeding of hares, which would be used for coursing. The hares would pass through trapdoors within the Wall onto the Downs to the south, where they would be pursued by greyhounds. The significance of the Wall is drawn from its historic interest, which is tied to its rarity and historic use.
- 5.2. The Wall has seen significant alterations during the 20th century, with large sections damaged, rebuilt or lost in their entirety. This includes the section of the Wall to the immediate east of the Site, which has been almost entirely demolished. The longer, South-West Section is more intact and illustrates the historic function of the listed building.
- 5.3. The setting of the Wall has also been changed by the demolition of sections and by changes to its use with the Warren now used as a recreation ground and for walking. The setting to the north has been changed by the development of Langley Vale, while it retains a more open, rural setting to the south, east and west. This includes the Downs to the south and south-east.
- 5.4. The best appreciation of the Wall's significance is provided from within the Warren, where the structure can be seen and its historic use understood. Vegetation now covers the outer faces of the Wall and almost entirely prevents any views of it from the surrounding landscape.
- 5.5. The section of the Wall closest to the Site has been almost entirely lost and it is not possible to understand the historic function of this part of the Wall. In addition, the Site has historically served as enclosed, arable land rather than as part of the wider Downs and does not share a historic functional relationship with the Wall. The Site makes no contribution to the significance of the Wall as a result.
- 5.6. The proposed development will alter one element of the Wall's setting, but will not affect land that was functionally related to it and will not diminish the ability to appreciate and understand its historic function. In addition, the proposed development includes an area of open space within the eastern part of the Site which will retain the immediate, undeveloped setting to this part of the Wall with the proposed dwellings located approximately 40m to the west.
- 5.7. The special architectural and historic interest of the Wall will be preserved (i.e. kept from harm). The proposals subject to this Appeal therefore comply with section 66 of the Planning (Listed Buildings and Conservation Areas) Act, 1990. The development will "protect" the heritage asset in accordance with Core Policy C5 and the proposals will be "acceptable" as defined by Policy DM8.

APPENDICES



Base image: : Paul Hewett RIBA Chartered Architect

TCMS

HERITAGE

- West Section of the Wall
- South-West Section of the Wall
- North Section of the Wall

Components of the Wall to the Warren

Version	1
Date	08.07.2026
Job	3077

Farm View, Langley Vale Road, Epsom

TCMS Heritage Ltd | 585A Fulham Road | London | SW6 5UA

020 3015 6258

admin@tcmsheritage.co.uk

<https://tcmsheritage.co.uk/>

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SB2

The 93 councils that face the harshest sanction under the long-awaited housing delivery test

Almost a third of English local planning authorities (LPAs) will face the most severe sanction under the government's 2025 housing delivery test (HDT) results published today, 50 per cent more than in the last test's figures.

by [Natasha Norris](#) 17 August 2026



MHCLG office (Pic: Steve Cadman, CC-BY-SA 2.0)

The HDT applies penalties to LPAs that delivered lower than 95 per cent of their housing requirement over the most recent three-year period.

All councils that score under 95 per cent in the test have to produce a housing delivery action plan explaining how they intend to boost homebuilding in their area.

Those under 85 per cent are also required to add on a 20 per cent buffer to their five-year housing land supply figure.

Those that score under 75 per cent additionally face the test's toughest penalty - the National Planning Policy Framework's (NPPF's) "presumption in favour of sustainable development", which renders an authority's housing supply policies out of date.

The previous test results were for 2023, which were [published in December 2024](#).

In January, [Planning reported](#) exclusively that the results of the 2024 and 2025 HDTs would be published simultaneously.

A government source said at the time that the move would serve to re-establish a regular publication cycle for the test after delays to the 2023 HDT results under the previous government resulted in knock-on delays to the government's publication timetable.

The [government published the results](#) of the 2024 and 2025 delivery tests today (Monday, 17 August).

The 2025 results represent the most up-to-date assessment of housing delivery and supersede the 2024 measurements. The consequences of the 2025 test are due to apply from tomorrow (Tuesday, 18 August), according to the NPPF.

They show that 147 local planning authorities (48.7 per cent) failed the test and will face a sanction - a 33.6 per cent increase on the 110 authorities that failed the [2023 test](#).

This includes 93 authorities (30.8 per cent) that saw delivery of less than 75 per cent of their housing requirement between 2022 and 2025, so will face the presumption in favour of sustainable development. The figure is a 47.6 per cent increase on the 63 authorities that faced the presumption after the 2023 test.

An additional 19 authorities saw delivery of less than 85 per cent of their housing requirement and will be subject to the 20 per cent land supply buffer penalty as well as the delivery action plan requirement.

The remaining 35 authorities that failed the test scored between 85 and 95 per cent, and will only be required to publish an action plan.

The councils that face the most severe sanction under the 2025 housing delivery test

Rank	Planning authority	Total number of homes required, 2022-2025	Total number of homes delivered, 2022-2025	2025 measurement	2025 consequence
1	City of London	416	15	4%	Presumption
2=	Castle Point	1,052	119	11%	Presumption
2=	Portsmouth	2,702	308	11%	Presumption
4	Southend-on-Sea	3,526	698	20%	Presumption
5=	Basildon	3,123	731	23%	Presumption
5=	Eastbourne	2,224	513	23%	Presumption
7=	Gosport	1,020	257	25%	Presumption
7=	Sevenoaks	2,130	523	25%	Presumption
9	Hertsmere	2,181	567	26%	Presumption
10	Thurrock	3,505	1,015	29%	Presumption
11=	Redbridge	3,954	1,204	30%	Presumption
11=	Southampton	4,440	1,342	30%	Presumption
13=	Epsom and Ewell	1,718	567	33%	Presumption
13=	Spelthorne	1,874	622	33%	Presumption
15	Sandwell	4,632	1,583	34%	Presumption
16=	Bournemouth, Christchurch and Poole*	8,010	2,799	35%	Presumption
16=	Rother	2,197	776	35%	Presumption
18	Crawley	1,112	402	36%	Presumption
19	Isle of Wight	2,133	799	37%	Presumption
20	Tandridge	1,915	732	38%	Presumption
21=	Lambeth	4,006	1,547	39%	Presumption
21=	Leicester	7,358	2,899	39%	Presumption
23=	Havering	5,414	2,160	40%	Presumption
23=	Torbay	1,812	729	40%	Presumption
25	Bristol, City of	10,134	4,192	41%	Presumption
26	Greenwich	8,472	3,544	42%	Presumption
27	Stockport	3,408	1,457	43%	Presumption
28=	Hastings	1,457	646	44%	Presumption

28=	Horsham	2,776	1,217	44%	Presumption
30=	St Albans	2,662	1,220	46%	Presumption
30=	Welwyn Hatfield	2,291	1,058	46%	Presumption
32=	Coventry	7,954	3,755	47%	Presumption
32=	Three Rivers	1,910	894	47%	Presumption
32=	Tower Hamlets	11,698	5,501	47%	Presumption
35=	Adur	1,095	526	48%	Presumption
35=	Lancaster	1,271	612	48%	Presumption
35=	New Forest	1,200	579	48%	Presumption
38	Erewash	1,146	565	49%	Presumption
39	Brighton and Hove	6,980	3,480	50%	Presumption
40=	Dacorum	3,051	1,578	52%	Presumption
40=	Hackney	3,990	2,069	52%	Presumption
42=	Solihull	2,516	1,345	53%	Presumption
42=	South Tyneside	949	505	53%	Presumption
44=	Luton	3,405	1,841	54%	Presumption
44=	North Norfolk	1,678	908	54%	Presumption
44=	Slough	2,528	1,353	54%	Presumption
47=	Bradford	6,773	3,773	56%	Presumption
47=	Brent	6,975	3,907	56%	Presumption
47=	Cheltenham	1,679	935	56%	Presumption
47=	Walsall	2,722	1,525	56%	Presumption
51=	Birmingham	21,400	12,101	57%	Presumption
51=	Folkestone and Hythe	1,979	1,120	57%	Presumption
51=	Mendip District Council (Somerset Council)*	1,729	993	57%	Presumption
54=	Barking and Dagenham	6,366	3,715	58%	Presumption
54=	Bromsgrove	1,195	694	58%	Presumption
54=	Old Oak and Park Royal Development Corporation	2,978	1,723	58%	Presumption
54=	Sheffield	9,092	5,313	58%	Presumption
58=	Elmbridge	1,950	1,158	59%	Presumption
58=	Wolverhampton	3,256	1,906	59%	Presumption
60=	Falmer	6,471	3,876	60%	Presumption

Rank	Authority	2010-11	2011-12	Ratio	Assessment
60=	Fareham	1,233	745	60%	Presumption
60=	Lewes	2,341	1,398	60%	Presumption
60=	Medway	5,000	3,017	60%	Presumption
64=	Gravesham	2,069	1,258	61%	Presumption
64=	Newham	9,779	5,950	61%	Presumption
66=	Bromley	2,084	1,282	62%	Presumption
66=	Charnwood	3,376	2,080	62%	Presumption
68=	Camden	3,135	1,971	63%	Presumption
68=	Chorley	1,553	986	63%	Presumption
68=	Gloucester	2,014	1,278	63%	Presumption
68=	Ipswich	1,068	677	63%	Presumption
68=	Merton	1,652	1,033	63%	Presumption
68=	Richmond upon Thames	630	397	63%	Presumption
68=	Tonbridge and Malling	2,485	1,570	63%	Presumption
75=	North Somerset	4,063	2,598	64%	Presumption
75=	Test Valley	1,627	1,041	64%	Presumption
77=	Kirklees	4,873	3,177	65%	Presumption
77=	Lewisham	5,001	3,240	65%	Presumption
77=	North Tyneside	2,306	1,504	65%	Presumption
77=	Oxford	1,701	1,099	65%	Presumption
81=	Epping Forest	1,509	999	66%	Presumption
81=	Kingston upon Thames	2,892	1,895	66%	Presumption
81=	Stoke-on-Trent	2,109	1,384	66%	Presumption
84	Hillingdon	3,249	2,163	67%	Presumption
85	Cotswold	1,392	945	68%	Presumption
86=	Islington	2,325	1,609	69%	Presumption
88	Doncaster	2,000	1,375	69%	Presumption

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Every English council's latest housing land supply position, plus document links (updated 17.08.2026)

17 August 2026

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Housing Land Supply Watch: Council loses five-year supply as a result of new buffer rule and expects figure to drop further still

13 August 2026 by Samantha Eckford

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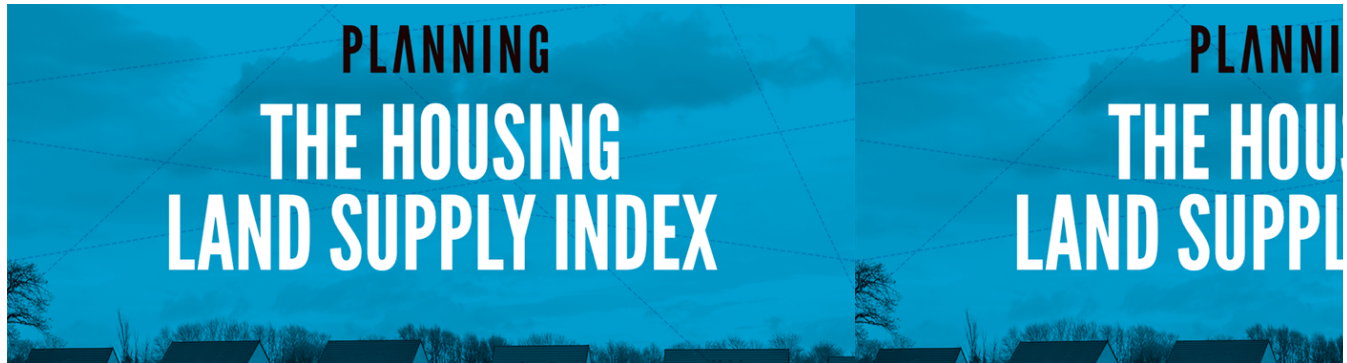
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planning

Correspondence address:

**The Mitfords
Basingstoke Road
Three Mile Cross
Reading
Berkshire
RG7 1AT**

The Vine
High Street
Stockbridge
Hampshire
SO20 6HF

Cheyenne House
West Street
Farnham
Surrey
GU9 7EQ

01189 884923 | office@woolfbond.co.uk | woolfbond.co.uk

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