

**PLANNING INSPECTORATE**

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

**LANGLEY VALE ACTION GROUP - RULE 6 PARTY**

**CLARIFICATION OF POSITION FOLLOWING THE STATEMENTS OF  
COMMON GROUND  
AND WITHDRAWAL OF REASON REFUSAL 4 BY THE COUNCIL**

|                     |                                                         |
|---------------------|---------------------------------------------------------|
| <b>Appeal Ref</b>   | APP/P3610/W/26/6006971                                  |
| <b>LPA Ref</b>      | 25/00846/OUT                                            |
| <b>Site</b>         | Farm View, Langley Vale Road, Epsom, Surrey<br>KT18 6AP |
| <b>Rule 6 Party</b> | Langley Vale Action Group (LVAG)                        |
| <b>Date</b>         | August 2026                                             |

## 1. Purpose of this clarification

Langley Vale Action Group ("LVAG") submits this note as a Rule 6 Party following receipt of the Overarching Planning Statement of Common Ground ("Overarching SoCG"), the topic-specific Statements of Common Ground, and notification that Epsom & Ewell Borough Council ("the Council") has withdrawn Reason for Refusal 4 concerning impacts on horses and the horse racing industry.

LVAG recognises the proper purpose of Statements of Common Ground in narrowing issues between the parties who sign them. LVAG is not a signatory to the Overarching SoCG or the topic-specific SoCGs. Agreements reached between the Council, Surrey County Council ("SCC") and the Appellant therefore do not constitute agreements by LVAG unless LVAG expressly adopts them.

This note identifies, succinctly and at the earliest opportunity, the matters on which LVAG maintains a separate position. It is intended to avoid any procedural misunderstanding as to the scope of LVAG's case at the Inquiry and to acknowledge where the evidential position has materially narrowed.

## 2. Grey Belt and paragraph 155 NPPF

The Overarching SoCG records agreement between the Council and Appellant that the Appeal Site constitutes Grey Belt land, that there is a demonstrable unmet need for the development, and that the Golden Rules are satisfied. It records the remaining dispute between those parties under paragraph 155 as whether the Appeal Scheme is in a sustainable location.

*Reference: Overarching SoCG, paragraphs 4.21-4.24 and 5.4-5.6.*

Having regard to the definition of Grey Belt in the Framework, and in order appropriately to focus the issues for the Inquiry, LVAG does not seek to dispute the classification of the Appeal Site as Grey Belt land. To that extent, LVAG clarifies the position previously expressed in its Rule 6 Statement of Case. This does not alter LVAG's substantive case that the proposed development fails to satisfy the requirements of paragraph 155, including LVAG's case concerning the sustainability of the location

LVAG recognises that purpose (c) is not itself one of the Green Belt purposes used in the NPPF definition of Grey Belt. LVAG therefore maintains its Grey Belt position subject to the evidence and submissions at the Inquiry, including the proper application of the NPPF definition and any relevant footnote 7

considerations. LVAG does not ask the Inspector to treat the Council/Appellant agreement as binding upon the Rule 6 Party.

LVAG also proposes to refer, where relevant, to recent appeal decisions concerning the application of Grey Belt policy, including Beaconsfield (PINS Ref 3347882), Colney Street, St Albans (PINS Ref 3349580), Thornley Bank, Rowlands Gill (PINS Ref 3350113), and Kings Farm, Essex (PINS Ref 3358576). Those decisions are relied upon only for such assistance as their reasoning may properly provide on the interpretation and application of national policy; the facts and planning judgments in this appeal remain for the Inspector.

Separately, the Overarching SoCG records that, if paragraph 155 is not satisfied, the proposal would constitute inappropriate development, result in spatial and visual harm to openness and conflict with purpose (c) through encroachment. Those agreed consequences are consistent with an important part of LVAG's Green Belt case.

*Reference: Overarching SoCG, paragraphs 4.30-4.34.*

### 3. Golden Rules and sustainable transport infrastructure

The Council's Statement of Case originally stated that the proposal failed to satisfy the Golden Rules, relying in particular on paragraph 156(c) and an asserted absence of necessary or proportionate improvements to local infrastructure to enable or support a genuine choice of sustainable transport modes.

*Reference: Council Statement of Case, paragraph 6.12(v).*

The position has since changed. The Overarching SoCG records agreement between the Council and Appellant that the Scheme satisfies the Golden Rules. The Affordable Housing SoCG further records agreement that 50% on-site affordable housing meets the affordable-housing element of the Golden Rules.

*Reference: Overarching SoCG, paragraphs 4.21-4.25 and 5.4; Affordable Housing SoCG, paragraphs 1.2-1.6.*

LVAG also notes the subsequent Transport SoCG agreed between SCC, as Local Highway Authority, and the Appellant. That document identifies a package of sustainable transport measures, including a £200,000 annual contribution for five years towards an enhanced bus service, car-club provision, cycle vouchers and active-travel improvements, with relevant obligations to be secured through the Section 106 agreement.

*Reference: Transport SoCG, sections 6.2-6.3 and 7.3.*

Those later agreements may explain the change in the Council's Golden Rules position. LVAG therefore does not characterise the difference as an unexplained contradiction. However, LVAG maintains its separate case on locational sustainability. The Overarching SoCG itself confirms that sustainability under paragraph 155(c) remains disputed between the Council and Appellant.

LVAG respectfully asks that compliance with the Golden Rules is kept analytically distinct from the separate question whether the site is a sustainable location for development of this scale, including the practicality and attractiveness of walking, cycling and public transport for day-to-day journeys.

### 4. Locational sustainability and the Transport SoCG

LVAG acknowledges that the Transport SoCG contains extensive agreements between SCC and the Appellant on technical highways matters. These include the site access, trip generation, highway capacity, active-travel measures and the transport-related planning obligations.

The Transport SoCG also records existing public transport provision and distances to facilities. For example, the nearest identified bus stops are approximately 410m and 610m from the centre of the developable area; the E5 service is limited and has no Sunday service in the timetable recorded in the SoCG; and the closest railway station identified is Tattenham Corner at approximately 2.9km from the centre of the site.

*Reference: Transport SoCG, paragraphs 2.3.2-2.3.3 and Tables 2.1-2.3.*

LVAG's sustainability case is not simply that the highway network cannot physically accommodate the development. It concerns whether future residents would have a genuine and realistic choice of sustainable modes for everyday needs, having regard to the range and frequency of services, distances to

key facilities, topography, seasonal conditions and the likely continuing reliance upon private cars.

*Reference: LVAG Rule 6 Statement of Case, section 4.*

LVAG therefore maintains its case on locational sustainability notwithstanding the technical highway agreements in the Transport SoCG. This is also consistent with the Overarching SoCG, which expressly retains locational sustainability as a matter in dispute between the Council and Appellant.

## 5. Withdrawal of Reason for Refusal 4: horse racing and equestrian matters

The Council has notified the parties that it is withdrawing Reason for Refusal 4 and will not present evidence on the impact of traffic movements on horses and the horse racing industry. LVAG acknowledges that withdrawal.

The Transport SoCG materially changes the evidential context for the highway-safety limb of this issue. SCC and the Appellant agree that there are no existing highway-safety issues relating to horses/equestrians on Langley Vale Road that the proposed development could exacerbate, and that the development would not result in an adverse impact on equestrian use of Langley Vale Road in highway-safety terms. The SoCG also records no equestrian casualties in the analysed five-year and ten-year collision data.

*Reference: Transport SoCG, paragraphs 3.1.5, 3.1.9-3.2.3.*

LVAG therefore does not suggest that SCC supports the withdrawn Reason for Refusal 4. It does not.

However, LVAG does not withdraw the broader horse-racing and training matters set out in its Rule 6 Statement of Case. LVAG's case extends beyond conventional highway-safety capacity and collision analysis to the interaction of new residential traffic, pedestrians, cyclists and recreational users with established racehorse movement routes; the particular use of Bridleway 127 and associated routes; and any properly evidenced operational, economic or viability effects on the nationally significant racing and training industry.

*Reference: LVAG Rule 6 Statement of Case, sections 6.1-6.11.*

That broader position is also relevant in light of the Statement of Common Ground agreed in February 2026 between the Council and Jockey Club Racecourses in connection with the emerging Epsom & Ewell Local Plan. That SoCG records the national significance of the racecourse and training grounds and identifies strong economic links between the training yards, training grounds and the maintenance of Epsom and Walton Downs. It further records the parties' agreed position that the loss of racehorse training yards within the Racehorse Training Zone is harmful to the ongoing viability of the training grounds, with potential consequential effects on the economy, sporting heritage of the area and long-term management of the Downs.

*Reference: Council/Jockey Club Local Plan SoCG (February 2026), sections 3-5 and paragraphs 6.33-6.36 of the proposed revised supporting text.*

The agreed proposed wording of Policy DM8 also recognises the importance of racehorse movement routes. It provides that development proposals should demonstrate that they would not adversely affect the Racehorse Movement Corridor in terms of the safety of racehorses travelling between training yards and the training grounds, including by reason of traffic generation or the design of development. LVAG considers that material relevant to the broader horse-racing and training matters which it continues to pursue, while recognising that Policy DM8 is emerging policy and that the Council has withdrawn RfR4.

*Reference: Council/Jockey Club Local Plan SoCG (February 2026), proposed Policy DM8, criterion 3.*

The Council/Jockey Club Local Plan SoCG provides important evidence as to the significance and sensitivity of the racehorse training industry in this location. It records the agreed position of the Council and Jockey Club that the continued viability of the industry depends upon the relationship between the training yards, training grounds and associated infrastructure, and that racehorse movement corridors form an integral part of that operational environment. These agreed matters are directly relevant to the assessment of the appeal proposal and its potential effects upon the established racing and training industry.

Following the Council's withdrawal and SCC's technical highway agreements, any continuing case on those broader matters must stand on LVAG's own evidence and any evidence from relevant racing or training bodies. LVAG respectfully asks that the Council's withdrawal be treated as a withdrawal of the Council's case only, rather than as a concession made by LVAG.

## 6. Landscape, AGLV and “valued landscape”

The Overarching SoCG records agreement between the Council and Appellant that the Appeal Site is not within a “valued landscape”. It separately records disagreement as to whether the Site is within the Surrey Hills Area of Great Landscape Value (AGLV) and identifies the status of the AGLV, landscape effects and character and appearance as matters in dispute.

*Reference: Overarching SoCG, paragraphs 2.5, 5.7 and 6.1(e)-(g).*

LVAG considers it important that three distinct questions are not conflated: (i) whether the site lies geographically within the AGLV; (ii) the present policy status and weight of the AGLV designation; and (iii) whether the site is a “valued landscape” for the purposes of national policy.

The Council's Statement of Case stated that the Site is within the Surrey Hills AGLV and proposed to rely upon harm to the landscape setting of the AGLV and wider countryside. LVAG's Rule 6 Statement of Case likewise maintains that the site lies within the AGLV and that development would permanently alter the open slope and valley character.

*Reference: Council Statement of Case, paragraphs 2.5 and 6.18-6.20; LVAG Rule 6 Statement of Case, section 5.*

LVAG therefore maintains its landscape and AGLV case. In particular, LVAG does not accept that the Council/Appellant agreement that the site is not a “valued landscape” disposes of the separate issues of landscape character, visual effects, countryside character, Green Belt openness or the status and weight of the AGLV.

## 7. Ecology, protected species and later evidence

The Ecology SoCG is particularly significant. The Council and Appellant agree that the Ecological Impact Assessment and supporting surveys are appropriate, that the survey scope and methodology adequately informed the assessment, that mitigation for protected and notable species is satisfactory subject to conditions, and that ecological effects can be appropriately managed through conditions and/or legal agreement.

*Reference: Ecology SoCG, paragraphs 4 and 6-10.*

On badgers specifically, the Ecology SoCG records agreement that the presence of badgers and setts does not preclude development, that the site is largely arable habitat of low value for badgers, and that the appropriate approach is ongoing monitoring before construction with further mitigation or sett-closure licences as necessary in response to new evidence.

*Reference: Ecology SoCG, paragraph 11.*

LVAG's Rule 6 Statement of Case relies on later/local evidence of badger activity and setts and raises concerns about the ecological baseline. LVAG is not a signatory to the Ecology SoCG and therefore does not adopt its conclusions. However, LVAG recognises that the ecological case now differs from the position of both principal parties and from the Council's ecological adviser.

*Reference: LVAG Rule 6 Statement of Case, paragraphs 7.4-7.17.*

Accordingly, LVAG maintains ecology only to the extent supported by its own evidence, particularly any evidence post-dating or materially supplementing the surveys relied upon in the Ecology SoCG. LVAG does not seek to reopen matters merely because it disagrees with the professional ecological conclusions; rather, it asks that genuinely new evidence concerning protected species or active setts is capable of being considered by the Inspector in the usual way.

## 8. Heritage

LVAG notes the Heritage SoCG. The Council and Appellant agree that the proposal will have no impact on the significance of the Boundary Wall to Woodcote Park or the Coal Tax Post. They disagree only on the

effect on the significance of the Wall Bordering the Warren: the Council considers there would be less than substantial harm, while the Appellant considers there would be no harm.

*Reference: Heritage SoCG, paragraphs 4-6 and 13-14.*

The Heritage SoCG expressly records agreement that heritage matters do not provide a reason for the appeal to be dismissed. LVAG does not seek in this clarification to advance a separate heritage reason for dismissal. Any relevant heritage effect may nevertheless form part of the planning balance to the extent permitted by the evidence and the Inspector's findings.

*Reference: Heritage SoCG, paragraphs 10-12.*

## 9. Affordable housing and planning balance

LVAG acknowledges the significant affordable-housing offer. The Affordable Housing SoCG records provision of 50% affordable housing, up to 55 homes, comprising 39 social-rent and 16 shared-ownership homes, to be secured by Section 106 obligation. The parties agree that this meets the affordable-housing element of the Golden Rules.

*Reference: Affordable Housing SoCG, paragraphs 1.2-1.6 and Table 1.1.*

The Affordable Housing SoCG also records substantial evidence of affordable-housing need in the Borough. The remaining disagreement between the Council and Appellant concerns whether affordable housing should be treated as a separate benefit from general housing supply and the weight to be attributed to it.

*Reference: Affordable Housing SoCG, section 2.*

LVAG does not dispute that market and affordable housing delivery are benefits of the Scheme. Its case is that those benefits must be weighed against the harms that the Inspector finds to arise. LVAG therefore maintains its overall planning-balance case while recognising the strength of the affordable-housing benefit recorded in the SoCG.

## 10. Agricultural land

LVAG maintains the case in its Rule 6 Statement of Case concerning the permanent loss of agricultural land, including Best and Most Versatile Agricultural Land (BMVAL). LVAG's Statement of Case records that more than five hectares of Grade 3a and 3b agricultural land would be lost and that 49% is categorised as BMVAL.

*Reference: LVAG Rule 6 Statement of Case, section 8.*

The Council's Statement of Case also identified loss of BMVAL as "other harm" relevant to the paragraph 153 balance. LVAG therefore asks that this matter remains available to be considered in the overall planning balance notwithstanding that it is not separately prominent in the Overarching SoCG list of disputed matters.

*Reference: Council Statement of Case, paragraph 6.16.*

## 11. Matters LVAG continues to pursue

For clarity, and subject always to the evidence properly before the Inquiry, LVAG continues to pursue the following matters:

- the application of paragraph 155 of the NPPF, including whether the proposed development is in a sustainable location
- locational sustainability and the likely degree of reliance on private motor vehicles;
- Green Belt openness and countryside encroachment;
- landscape character, visual effects and the AGLV;
- ecology and protected species only insofar as supported by LVAG's own materially relevant evidence, including any later evidence;
- broader horse-racing, training and equestrian effects insofar as supported by LVAG's own evidence and any relevant evidence from racing or training bodies, while recognising SCC's agreed highway-safety position and the Council's withdrawal of RfR4;

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- loss of agricultural land, including BMVAL; and
- the overall planning balance.

LVAG respectfully asks that agreements in the Overarching and topic-specific Statements of Common Ground are treated as agreements between their respective signatories and not as agreements by LVAG. Equally, LVAG acknowledges those agreements where they materially narrow the evidence and will not seek to represent the position of the Council, SCC or their professional advisers as being other than that recorded in the signed SoCGs.

This clarification is provided promptly following receipt of the signed Statements of Common Ground and the Council's notification that Reason for Refusal 4 is withdrawn, so that the Inspector and the other parties are in no doubt as to the scope of LVAG's case.

### **Langley Vale Action Group**

Rule 6 Party

August 2026

### **Documents referred to**

- Overarching Planning Statement of Common Ground, Farm View, Langley Vale Road (July/August 2026).
- Affordable Housing Statement of Common Ground (August 2026).
- Ecology Statement of Common Ground (July/August 2026).
- Heritage Statement of Common Ground (3 August 2026).
- Transport Statement of Common Ground [FINAL], i-Transport / Surrey County Council (31 July 2026).
- Statement of Common Ground between Epsom & Ewell Borough Council and Jockey Club Racecourses concerning the Epsom & Ewell Local Plan 2040 (February 2026).
- Beaconsfield, Buckinghamshire appeal decision (PINS Ref 3347882).
- Colney Street, St Albans appeal decision (PINS Ref 3349580).
- Thornley Bank, Rowlands Gill, Tyne & Wear appeal decision (PINS Ref 3350113).
- Kings Farm, Essex recovered appeal decision (PINS Ref 3358576).
- Epsom & Ewell Borough Council Statement of Case.
- Fairfax Aspire Ltd Appellant Statement of Case.
- Langley Vale Action Group Rule 6 Party Statement of Case.

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