FARM VIEW, LANGLEY VALE

APPELLANT'S OPENING SUBMISSIONS

1. The national housing crisis is felt acutely in Epsom and Ewell Borough. It is only able to demonstrate a 1.6 year supply of deliverable housing land (a shortfall of 3,402 homes over the next five years); and 1,541 households on the Housing Register[1]. The Borough is the 13th worst performing authority in England in the Housing Delivery Test.[2]

2. The Council's adopted strategic policies date from 2007. Those policies planned for growth up to 2022 and set an annual housing requirement which was less than 20% of the current annual need.[3] The existing settlement boundaries are manifestly out of date, and the development of Green Belt land for housing is required to meet housing needs. [4]

3. Langley Vale is a village of 584 households. It comprises a fairly dense network of suburban roads, and has a primary school, shop, and village hall. The surrounding Green Belt, drawn against the existing boundary, has constrained its development, but following a 2020 appeal decision a new development of 20 homes at Langley Bottom Farm is coming forward.

4. The proposed development is for 110 homes, including 50% affordable housing. With both the appeal scheme and the Langley Bottom Farm development, Langley Vale will grow to 714 households, 22% larger than at present.

[1] Annie Gingell, Affordable Housing POE, para. 4.12 (CD6.3)
[2] CD 5.5
[3] The current housing need for the Borough is 1001 dpa (CD9.1, para 4.6); the Core Strategy requirement was 181 dpa.
[4] Submission Epsom & Ewell Local Plan 2022-2040, para. 7.39 (CD4.20).

5. The application site immediately adjoins the existing settlement boundary of Langley Vale, and sits between that boundary and Langley Bottom Farm. To the west lies an area of woodland and the Epsom and Walton Downs. To the south and east lies Langley Vale Wood, a newly created area of woodland.



DAS, CD 1.6, Fig 15

6. The application was recommended for approval by the Council's Development Management Team Leader. The Officer's Report[5] concluded that the appeal scheme constituted appropriate development on grey belt land or alternatively that very special circumstances justified the grant of planning permission.[6] The Appellant's position is that this recommendation was clearly correct. The Officer's

[5] CD 3.1
[6] Officer Report, para. 27.5 (CD3.1).

Report carefully analysed the planning position and reached a clear conclusion that permission should be granted.

7. Regrettably, Members rejected the advice of their officers, and resolved to refuse planning permission for four reasons[7]: (1) the Appeal Scheme is in an unsustainable location; (2) the proposal is inappropriate development in the Green Belt without very special circumstances to justify it; (3) the proposal would have an unacceptable visual impact on the area's landscape and character; and (4) the proposal would have an unacceptable impact on the local horse racing industry, through highways impacts causing risks to horses and riders.

8. Since the refusal of planning permission, agreement has been reached on a number of important matters:

    a. The Appeal Site constitutes grey belt land;

    b. There is an evidenced unmet need for the Appeal Scheme;

    c. The proposals comply with the Golden Rules;

    d. There is no highway safety objection, and reason for refusal 4 relating to the impacts on horse racing has been withdrawn;

    e. The appeal should be allowed if the proposal is found to accord with Policy GB7 of the NPPF.

9. The Council's primary case is, as a result, a strikingly narrow one. The sole focus is on Policy GB7g (iii) of the NPPF: would the development be in a sustainable location, with particular reference to policy TR3 of the NPPF?

[7] Decision Notice (CD3.3).

10. The development would be in a sustainable location, and the contrary view is simply untenable. First, two Inspectors have found (in 2020 and 2025[8]) adjacent sites to be sustainable locations for residential development. Offices rightly advised members, following Counsel's advice, that there was no good reason to depart from this view and it should be followed. Members did not take that advice, and the Council now runs with their case.

11. Second, the Policy TR3 of the NPPF invites consideration of whether "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". This analysis should take into account improvements made by the development itself. The proposals will adjoin Langley Vale, which has existing facilities for day to day activities including a shop and a primary school. The recreational opportunities on the doorstep are vast and excellent. The site is connected to existing active travel corridors and public transport options, including bus services from Langley Vale. In terms of assessment through the Connectivity Tool, the Council is seeking to allocate sites within their emerging Local Plan that have equivalent characteristics to the Appeal Site,[9] and therefore must accept that they represent sustainable locations. In respect of improvements, the scheme will deliver major benefits in terms of sustainable travel, with significant contributions to bus service enhancements, as well as a range of pedestrian improvements in the local area to promote active travel.

12. Third, there is a basic unreality about the suggestion that Langley Vale is not a sustainable location for new development. It is the home to more than 500 households. It quite clearly a popular place for families to live. The development will capitalise on that: new residents supporting existing facilities, and existing

[8] Steven Brown, Planning POE, para. 6.8 (CD6.2); PINS refs: APP/P3610/W/25/3359376 and APP/P3610/W/21/3280881.
[9] Philip Hamshaw, Traffic and Transport POE, para. 4.6.8 (CD6.6).

residents benefitting from improvements to public transport and active travel. Allowing the appeal makes Langley Vale an even more sustainable place to live.

13. The critical point to emphasise at this stage is that the Council's case falls down entirely once this issue is answered correctly, and in accordance with two previous appeal decisions. If GB7 is met, then Policy S5(5) tells us that "proposals should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects". The is no adverse effect which is said to outweigh the benefits, let alone substantially outweigh.

14. In respect of landscape harm, the Council accepts that the site does not comprise a valued landscape[10]. There is no impact on any protected landscape. The site's characteristics are that of an urban edge farmed field. With the development of Langley Bottom Farm, and the planting of Langley Vale Wood, the field becomes viewed in isolation, not as part of some wider arable landholding. There are, inevitably, visual impacts but these are impacts which are no different from any greenfield development site. Existing views are heavily influenced by the urban edge of Langley Vale, where there is little mitigation. A properly conceived landscaping treatment will help to soften the urban edge.

15. In relation to ecology, the proper assessment is that the proposals will deliver substantial net benefits. There is some ecological interest in the site, but it is derived from arable plants which are vulnerable to modern farming practices, and the proposals will lead to enhancement of this ecological feature. Third party concerns – including those of the Rule 6 party – about ecological impacts are not well founded.

16. In respect of the horse-racing industry, the world class facilities centred around Epsom Racecourse are unaffected by these proposals. There is no adverse effect on the safety of horses, riders, and other road users. There can be no genuine

[10] CD9, para 5,7 and CD9.2, para 2.5

suggestion that car trips from the new development will undermine an industry as well-established, and well-protected, as the Epsom horse racing industry.

17. It follows that applying the "universal tilt"[11] there is only one possible answer to this appeal. The benefits will be explored in more detail in evidence, but they are substantial. One only needs to look at the critical need for all types of housing in the Borough, and the woeful position in respect of meeting affordable housing needs, to see that only very weighty planning objections could come close to outweighing the benefits of delivering 110 homes. There are no such objections here.

18. Indeed, even if the test in GB7(g) is <u>not</u> passed, the benefits of the proposals, taken with the obvious need for Green Belt development in Epsom and Ewell to meet housing need, amount to very special circumstances justifying the grant of planning permission. However, for the reasons explained above, there is a direct route to granting permission through GB7(g), and no credible case for not following it.

19. As the Council's officers recognised, there is no good reason to withhold consent in the present case. Accordingly, the Appellant will submit that the appeal should be allowed.

Richard Turney KC

Landmark Chambers

3 November 2026

[11] CD 16.8