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

Planning Inspectorate Appeal Ref: 6006971

Appeal by Fairfax Aspire Ltd

OPENING SUBMISSIONS
OF THE COUNCIL

Preliminary

1. This public inquiry concerns an appeal made by Fairfax Aspire Ltd ('the Appellant') pursuant to section 78 of the Town and Country Planning Act 1990 against the refusal by Epsom and Ewell Borough Council ('the Council') of planning permission at Farm View, Langley Vale Road ('the Appeal Site'). The application sought outline permission for up to 110 dwellings, including 50% affordable housing, with all matters reserved save for access.

Summary Overview

2. The Council's case concerns three principal issues. First, inappropriate development in the Green Belt, substantial harm to openness and the absence of very special circumstances. Second, excessive reliance on private cars in a location which is not, and cannot be made, sustainable. Third, unacceptable landscape and visual harm. Mr Whitehouse addresses Green Belt matters and the planning balance, relying on Mr Dukes' transport evidence and Mr Drummond's landscape evidence. The Council no longer defends the horse racing reason for refusal, subject to suitable conditions.

3. Before turning to those issues, there is important common ground. The Council accepts grey belt status and evidenced unmet housing need. It also accepts that development would not fundamentally undermine the purposes of the remaining Green Belt, taken together, across the plan area. Subject to securing appropriate obligations, the Golden Rules are not a separate objection. The dispute under Policy GB7(1)(g) of the National Planning Policy Framework ('the Framework') is whether the development is in a sustainable location. The Council maintains that this requirement is not met. The proposal is therefore inappropriate development. The acknowledged benefits do not clearly outweigh the Green Belt harm and other harm.

4. I will now take those three issues in turn, beginning with the Green Belt.

Significant Issues

Green Belt / Grey Belt / Purposes

5. Notwithstanding the agreed grey belt status, the proposal must satisfy all the requirements of Policy GB7(1)(g). Housing need and sustainable location are separate requirements: satisfaction of the former cannot substitute for the latter. If the sustainable-location requirement is not met, that exception cannot apply. On the Council's assessment, no other exception applies, and very special circumstances must therefore be demonstrated.

6. There is an important distinction here. Accepting that development would not fundamentally undermine the purposes of the remaining Green Belt, taken together, across the plan area is not accepting that it would cause no Green Belt harm. The Planning Statement of Common Ground records that, if the proposal remains inappropriate development, it would cause spatial and visual harm to openness and conflict with purpose (c), safeguarding the countryside from encroachment. The Council's evidence addresses the degree of that harm and the weight it should attract.

7. The Appeal Site comprises approximately 5.2 hectares of agricultural land rising towards Langley Vale. Although it adjoins the settlement and lies near the 20-dwelling development under construction, the Council maintains that it relates to the wider countryside rather than satisfactorily to the built form. Its agricultural character, transition to open countryside, valley views and clear distinction from the urban area support a strong contribution to purpose (c). Development would extend residential uses into that countryside.

8. This assessment is consistent with agreed grey belt status, whose relevant definition concerns purposes (a), (b) and (d), not purpose (c). The Council adopts the 2024 Green Belt Study's moderate contribution to purpose (a) and limited contribution to purpose (b), but considers the contribution to purpose (c) strong rather than moderate. Purpose (d) is not relevant, and conflict with purpose (e) is of limited significance. The principal purposes objection is encroachment into the countryside.

9. I turn next to the effect on Green Belt openness.

Openness

10. The Council submits that development would cause substantial harm to Green Belt openness overall. Its size, scale and spread across presently open land would cause significant spatial harm. Although the application is in outline, the Parameters Plan (No. 2503/PL.03 Rev C) indicates the broad extent of development. Landscaping and open space would not remove the proposed built volume or overcome that spatial harm.

11. Development would also cause significant visual harm to openness in views from Langley Vale Road, surrounding bridleways and adjoining properties. Those effects

may be localised, but are not confined to a small number of receptors. The development would be permanent and would bring additional activity. Taken with the spatial and visual effects, this produces substantial harm to openness overall. That is additional to harm by reason of inappropriateness. The combined Green Belt harm attracts substantial weight in the planning balance.

Accessibility and Sustainable Transport

12. Turning to transport, the Council's second principal issue is excessive reliance on private cars. Policy GB7(1)(g)(iii) requires a sustainable location, assessed against Policy TR3. That assessment must account for the site's vision, the development's scale and location, and the rural context. It must also account for planned improvements, including those provided by the scheme. Even taking those matters into account, the Council's conclusion remains the same: the proposal would not sufficiently limit the need to travel, particularly by private car, or offer future residents a genuine choice of transport modes.

13. In practical terms, nearby destinations are principally the primary school and petrol-station shop. Healthcare, secondary education, employment, leisure and railway services require travel farther afield. Distance alone does not establish accessibility. Walking routes are constrained by gradients, inadequate footways, unbound surfaces and unlit sections. Cycling requires use of busy roads or poorly surfaced, unlit off-road routes. Bus provision is also limited. The E5 has eight daily services and no Sunday service. The 408 provides a single weekday service. Driving to a station still requires car ownership and use. The Council's case is that these alternatives do not provide sufficiently convenient and attractive access to the services future residents need.

14. The proposed mitigation does not resolve those constraints. Walking improvements are focused on Langley Vale, rather than the routes to the wider range of services in Epsom, Ashtead and Tattenham Corner. The highway authority's evidence identifies practical constraints on delivering suitable cycling provision along Headley Road. The proposed provision would not offer a safe and attractive alternative consistent with current cycling guidance.

15. As for buses, the £200,000 annual contribution is limited to five years. The ongoing commercial viability of the supported bus provision beyond that period has not been demonstrated. Demand-responsive provision is also not secured beyond a temporary funding period, while the proposed car-club provision is secured for a minimum of three years. The Council also disputes the Travel Plan's proposed reduction in car use. Taken together, the measures would not overcome excessive car reliance, contrary to Policies CS16 and DM10 and Policy TR3's sustainable-location requirement.

16. The Council advances no objection on highway capacity or technical highway safety grounds, subject to the agreed access arrangements and necessary conditions. Surrey County Council has withdrawn its objection concerning access visibility but maintains its objection to locational sustainability. The distinction is important: the absence of a capacity or technical safety objection does not determine whether this is a sustainable location for the proposed development.

17. That brings me to the previous appeal decisions. They are material considerations, but concern materially different proposals. The 2022 scheme comprised 20 homes replacing existing traffic-generating agricultural and commercial uses. The Inspector acknowledged limited accessibility and likely car reliance. The dismissed 2025 appeal concerned a single replacement dwelling, with brief sustainability reasoning relying on the earlier decision.

18. This proposal is different. Up to 110 homes would generate significant additional movement without the earlier scheme's existing-use traffic baseline. Its scale, context, policy framework and proposed transport provision require a fresh assessment. Housing need does not satisfy the separate sustainable-location requirement. The Council therefore affords very limited weight to the 2022 decision in assessing this proposal's sustainability. Nor does the single-dwelling 2025 decision establish sustainability for a scheme of this scale.

19. The Council maintains that Policy GB7(1)(g)(iii) is not satisfied. Nor does the station-based exception apply. Tattenham Corner is approximately 2.9 kilometres away. That is beyond the defined reasonable walking distance of around 800 metres, subject to route and walking-time considerations. The proposal is therefore inappropriate development in the Green Belt.

Landscape Character and Visual Effects

20. Turning to the third issue, the Council identifies unacceptable landscape and visual harm. It accepts that the site is not within a valued landscape. Nevertheless, the site lacks urban character and relates to the wider countryside rather than Langley Vale's built form. The ridgeline housing does not establish satisfactory integration. The central point is that localised effects do not mean acceptable harm. Significant adverse effects would remain on the landscape and views from the road and recreational routes.

21. The proposed planting does not overcome the identified harm. The Council considers the western-edge proposals to be enhancement rather than adequate mitigation. Space is constrained and significant adverse visual effects would remain at year 15. The access from Langley Vale Road would also cause visual harm. The proposal conflicts with Policies CS5, DM9 and DM10 and Policy N2(1)(a) of the Framework.

The Planning Balance

22. I turn now to the benefits and the planning balance. There is significant common ground. The Council cannot demonstrate a five-year supply of deliverable housing sites. The agreed supply is 1.6 years. The proposal would provide up to 110 homes and secure 50% affordable housing, subject to completion of a Section 106 agreement. The Council recognises that this would provide a substantial benefit. In accordance with Policy HO7, the Council affords substantial weight to the combined contribution of market and affordable housing. The parties disagree on separate weighting.

23. The Council also recognises the other benefits. Biodiversity net gain attracts significant weight. Moderate weight is afforded to the economic benefits; to public open space and children's play provision taken together; and to enhancement of Langley Bottom Farm Site of Nature Conservation Importance. Parts of the open space also serve necessary drainage, separation and mitigation functions. Those functions inform the assessment of weight but do not remove the benefits from the balance.

24. The other adverse effects are more limited. The Council identifies less-than-substantial harm, at the lower end of the spectrum, to the significance of the listed wall bordering The Warren. The public benefits outweigh that harm in the heritage-specific balance. Nevertheless, on the Council's case that the proposal is inappropriate development, the heritage harm remains relevant as other harm. It attracts moderate weight in the overall balance. The loss of approximately 2.6 hectares of subgrade 3a agricultural land attracts limited weight. No agricultural policy conflict is identified. Neither matter is advanced as a decisive freestanding objection.

Very Special Circumstances and the Overall Planning Balance

25. Drawing those matters together, the Council submits that the proposal is inappropriate development. Harm by reason of inappropriateness, substantial harm to openness overall and conflict with Green Belt purposes attract substantial weight. The transport harm attracts very significant weight, and the landscape and visual harm attracts significant weight. The Council recognises the substantial benefits of housing delivery, including affordable provision. However, the beneficial considerations taken together do not clearly outweigh the Green Belt harm and other harm. Very special circumstances are therefore not demonstrated.

26. On that assessment, the proposal conflicts with the development plan's Green Belt, transport and landscape policies, principally Policies CS2, CS16 and CS5 of the Core Strategy 2007, and Policies DM1, DM3, DM9 and DM10 of the Development Management Policies Document 2015. The Council submits that it is contrary to the development plan taken as a whole and that the material considerations do not justify permission contrary to it.

Conclusion

27. The Council invites the Inspector to dismiss the appeal. Its case is that the proposal remains inappropriate development in the Green Belt, would cause substantial harm to openness overall, and is not justified by very special circumstances. The proposed transport improvements would not make the location sufficiently sustainable for development of this scale, and significant adverse landscape and visual effects would remain. Grey belt status and housing need do not satisfy the separate sustainable-location requirement. On the Council’s assessment, the acknowledged benefits do not clearly outweigh the Green Belt harm and other harm.

Sophia Spencer

St John’s Chambers

3 November 2026