

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

**PROOF OF EVIDENCE**  
**JOHN MUMFORD MRTPI (RETIRED)**

Chair, Langley Vale Action Group

|                     |                                                         |
|---------------------|---------------------------------------------------------|
| <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)                        |

20<sup>th</sup> August 2026

### Summary

S1 I am the Chair of Langley Vale Action Group (LVAG) and a retired Chartered Town Planner. I give evidence on the planning, Green Belt, landscape and visual, agricultural land, later ecology evidence and overall planning balance issues. Separate LVAG witnesses address locational sustainability and horse racing/training. I do not present myself as a transport, ecology, landscape or equestrian specialist.

S2 LVAG accepts that the appeal site falls within the definition of Grey Belt. The principal Green Belt issue is whether all the requirements of Policy GB7 g. i-iv of the 2026 National Planning Policy Framework are satisfied. LVAG maintains that Policy GB7 g. iii is not satisfied because the site is not a of sustainable location for development of this scale especially as demonstrated by use of the Connectivity Tool. That issue is addressed in detail by LVAG's transport and locational sustainability witness. If Policy GB7 g. iii is not met, the proposal does not benefit from the Grey Belt exception and the consequences for inappropriate development, openness, countryside encroachment and the Policy GB6.2 balance follow.

S3 The site is open agricultural land at the edge of Langley Vale. Up to 110 dwellings, together with roads, parking, gardens, lighting and domestic activity, would materially alter its character and have spatial and visual consequences for Green Belt openness. The signed Landscape and Visual Statement of Common Ground leaves important matters unresolved, including visual material, mitigation, viewpoint assessment and the western-edge landscape buffer.

S4 LVAG also relies on later badger evidence which post-dates the Appellant's ecological baseline. Robert Shatwell, Chairman of the West Surrey Badger Group, is unable to attend the Inquiry for unforeseen medical reasons. I do not adopt his specialist observations, but address their planning relevance.

S5 I acknowledge the important benefits of the scheme, particularly market and affordable housing. My conclusion is that, if Policy GB7 g. iii is not met, the resulting Green Belt harm together with landscape and other harms is not clearly outweighed by those benefits. LVAG therefore asks that the appeal be dismissed.

### 1. Introduction and Scope of Evidence

1.1 My name is John Mumford. I am Chair of LVAG, which has Rule 6 status in this appeal. I am a retired Chartered Town Planner and formerly a member of the Royal Town Planning Institute. [Detailed career history to be inserted.] I rely on my professional planning experience and local knowledge. I do

not present myself as a Chartered Landscape Architect or as a transport, ecology or equestrian specialist.

1.2 My evidence addresses Green Belt policy; landscape and visual considerations insofar as they inform planning judgment; the AGLV; openness and countryside encroachment; agricultural land; relevant appeal decisions; the planning relevance of later badger evidence; and the overall planning balance.

1.3 LVAG is calling separate evidence on locational sustainability from its external transport consultant and on horse racing and training from Pat Phelan. I rely on those witnesses within their respective areas and do not duplicate their detailed evidence. Ecology is dealt with differently because Robert Shatwell, who provided LVAG with later badger evidence, is now unable to attend the Inquiry for unforeseen medical reasons.

1.4 This Proof should be read with LVAG's Rule 6 Statement of Case and August 2026 Clarification of Position, which narrowed LVAG's case following the Statements of Common Ground and the Council's withdrawal of Reason for Refusal 4.

## **2. Appeal Proposal and Narrowed Position**

2.1 The appeal seeks outline permission for up to 110 dwellings, including affordable homes, with all matters reserved except access from Langley Vale Road. The Inspector has identified principal issues including locational sustainability, landscape character and appearance, horse racing and training, ecology and biodiversity, Green Belt status, openness and purposes, and, if necessary, the very special circumstances balance.

2.2 The Overarching Statement of Common Ground records agreement between the Council and Appellant that the site is Grey Belt, there is demonstrable unmet need and the Golden Rules are satisfied. LVAG has clarified that it does not dispute Grey Belt classification. It nevertheless maintains that the sustainable-location requirement is not satisfied and approaches the Green Belt case on that narrowed basis.

## **3. Green Belt Policy Sequence**

3.1 In my planning judgment the Green Belt analysis should proceed in sequence. First, the site is treated as Grey Belt. Second, the Inspector determines whether all requirements of Policy GB7 g. i-iv are satisfied. If Policy GB7 g. iii is not satisfied, the development does not benefit from the Grey Belt exception. The consequences for inappropriate development, openness, encroachment and the Policy GB6.2 balance then arise. In applying that sequence, I consider it important not to collapse the sustainable-location test into the separate question whether mitigation can make the transport effects acceptable. A development may be capable of being accommodated on the highway network and may include measures encouraging non-car travel, yet still fail the policy test if the location does not provide a realistic and attractive range of choices for ordinary day-to-day journeys. The new Framework's focus on sustainable locations and connectivity therefore reinforces the need for a practical assessment of how future residents are likely to travel, rather than a purely theoretical assessment of route availability.

3.2 Grey Belt classification is therefore not equivalent to a finding that development is appropriate. The Overarching Statement of Common Ground records that, if the previous paragraph 155 test is not satisfied, the proposal would constitute inappropriate development, would cause spatial and visual harm to openness and would conflict with Green Belt purpose (c) through encroachment. Those consequences accord with LVAG's case.

## **4. Recent Appeal Decisions**

4.1 LVAG relies on recent appeal decisions only for the assistance their reasoning may provide. Each case is fact-sensitive. The key lesson is that Grey Belt status does not remove the need to test

sustainable location and practical accessibility, nor does it prevent separate findings on openness, landscape or countryside encroachment.

4.2 At Kings Farm, Orsett (APP/M1595/W/25/3358576), Grey Belt status and unmet need were accepted, but the sustainable-location requirement was not met. An hourly bus service and proposed enhancements were insufficient to provide a genuine alternative to the car. The proposal therefore remained inappropriate development and very special circumstances were not found.

4.3 At Colney Street, St Albans (APP/B1930/W/24/3349580), services were generally at least a mile away, buses were approximately hourly and the station was around a 25-minute walk. Although non-car travel was possible for some trips, future residents were likely to rely on private vehicles. The decision also considered gardens, access, parking and intensity of residential use when assessing openness.

4.4 Thornley Bank (APP/H4505/W/24/3350113) provides a further example of Grey Belt land failing the sustainable-location test where limited public transport made private-car dependence likely.

4.5 Beaconsfield (APP/N0410/W/24/3347882) reached the opposite conclusion where shops, services and facilities were close and bus stops adjacent. The comparison reinforces the fact-sensitive nature of the test. The Inspector nevertheless still found significant visual harm from encroachment into open countryside.

4.6 I have considered the two Langley Bottom Farm decisions relied upon by the Appellant. The 2022 appeal concerned 20 dwellings on an existing farmstead with buildings and hardstanding and involved a substantial reduction in building footprint and volume. The present appeal is materially different: it would introduce up to 110 dwellings onto open agricultural land.

4.7 The 2022 Inspector also accepted that the location was not exceptionally accessible, bus services were relatively infrequent and a high proportion of trips would likely be by private motor vehicle, but the proposal was of a different scale and involved existing traffic-generating uses. The 2025 appeal concerned a single dwelling. Neither decision determines the sustainability or landscape effects of the present proposal, which must be assessed on its own evidence and under the current policy framework.

## **5. Site and Landscape Context**

5.1 The appeal site comprises approximately 5.2 hectares of agricultural land adjoining Langley Vale. It occupies sloping ground and forms part of the transition between the settlement and the wider countryside associated with Epsom Downs and the North Downs landscape.

5.2 The Landscape and Visual SoCG describes the context as an urban-edge landscape but also records undulating downland, sloping landform, open and relatively exposed fields and blocks of woodland within Landscape Character Area UE3: Epsom Downs. Adjoining development does not mean that the appeal site itself has an urban character. It remains open agricultural land at the settlement edge.

5.3 The proposal would replace that character with up to 110 dwellings, roads, parking, drainage features, lighting, gardens and associated domestic activity. Although layout, scale, appearance and landscaping are reserved, the principle of accommodating development of that scale within the site is before the Inspector now.

## **6. Landscape and Visual Effects**

6.1 The signed Landscape and Visual SoCG narrows methodology but leaves important matters disputed. These include aspects of the Appellant's photographic and visual material, the adequacy of mitigation, viewpoint assessment and whether sufficient land exists along the western edge to provide adequate landscape and visual mitigation.

6.2 I do not substitute my judgment for specialist landscape evidence. As a planner, however, those unresolved matters are important when judging whether development of this scale can be satisfactorily assimilated. In particular, the western-edge issue is relevant to whether mitigation relied upon is

realistically deliverable within the site parameters. In particular, the Inspector is being asked to determine the principle of introducing a substantial residential development onto an open slope before the detailed reserved-matters design is known. Where the acceptability of that principle depends on planting, buffers and visual containment, there must in my view be sufficient confidence that those measures can actually be delivered within the available land and without themselves eroding the qualities of openness and rural character which they are intended to protect.

6.3 There is also a distinction between screening and mitigation of landscape character. Planting may reduce visibility from particular viewpoints as it matures, but it cannot recreate the existing open agricultural landscape after roads, dwellings, parking and domestic uses have been introduced. Additional planting may itself alter the present open character. The permanent landscape change therefore remains relevant even where views become filtered.

6.4 The parties dispute the status and relevance of the Surrey Hills AGLV. LVAG maintains that the designation and underlying landscape qualities remain material, but does not rely upon the AGLV alone. Landscape character, openness and the relationship between Langley Vale and the wider countryside require assessment in any event.

## **7. Green Belt Openness and Encroachment**

7.1 If Policy GB7 g. iii is not satisfied, the proposal does not benefit from the Grey Belt exception. In physical terms, predominantly open agricultural land would become a residential development of up to 110 dwellings with roads, parking, gardens, lighting and associated activity. That is a substantial spatial change.

7.2 There is also a visual dimension. The precise extent of visual effects is a matter for the landscape evidence, but permanent residential built form on the open slope is inherent in the proposal. Residential gardens, domestic paraphernalia, accesses, hardstanding, parking and intensity of use are all relevant to openness.

7.3 The scheme would extend built development into land presently experienced as countryside beyond the existing settlement edge. In my planning judgment that is relevant to Green Belt purpose (c), safeguarding the countryside from encroachment. Landscaping may reduce visibility over time but cannot remove the physical encroachment or restore the site's present spatial openness.

## **8. Agricultural Land**

8.1 The scheme proposal records the loss of approximately 2.6 hectares of Best and Most Versatile Subgrade 3a agricultural land, approximately 49% of the site. I do not suggest that this loss is determinative by itself, but it is permanent and irreversible and is capable of forming part of the overall planning balance. The Council's Statement of Case similarly identified loss of Best and Most Versatile Agricultural Land as other harm relevant to the Green Belt balance.

## **9. Ecology and Later Badger Evidence**

9.1 The Council and Appellant agree in the Ecology Statement of Common Ground that the Appellant's Ecological Impact Assessment and supporting surveys appropriately assessed the likely effects of the development on protected species and notable habitats and that mitigation is satisfactory subject to conditions. LVAG is not a signatory to that agreement and has clarified that its remaining ecology case is confined to materially relevant later evidence rather than a general reopening of the ecological assessment.

9.2 The EclA records badger latrines during a 2019 walkover, but states that no direct evidence of badger activity was identified in 2024 and that it was highly unlikely that a sett was situated within 30 metres of the site boundary. It nevertheless recognised that badgers were likely still to be present locally and recommended an updated survey before development.

9.3 LVAG subsequently received evidence from Robert Shatwell, Chairman of the West Surrey Badger Group, who has more than 30 years' practical experience concerning badgers. His contemporaneous written evidence records site inspections during 2025 and 2026 and observations including established pathways, latrines and badger hair. Following his inspection on 23 May 2026 he recorded what, in his experience, he considered to be a five-hole active badger sett in the north-eastern part of the site, together with further entrances, associated paths and a fresh latrine.

9.4 That material is supplemented by separate night-camera evidence obtained by Mark Byrne in late May 2026 and by evidence from an adjoining resident, Cherrill Auton, recording longstanding regular badger activity. I do not present those observations or Mr Shatwell's conclusions as my own expert evidence. Mr Shatwell is unable to attend the Inquiry for unforeseen medical reasons and will therefore not be available for cross-examination. The weight to be attached to his existing written evidence is a matter for the Inspector.

9.5 From a planning perspective, however, the chronology is material. The later evidence post-dates the ecological baseline relied upon by the Appellant and appears materially different from a position in which no direct activity was identified and a sett within 30 metres was considered highly unlikely. The EclA itself recognises that ecological survey evidence records conditions at the time of survey and that badger information may require updating as circumstances change. The significance is not that later evidence automatically proves that development cannot proceed. Rather, it raises a present factual question which was not before the earlier survey in the same form: whether active sett use and established movement routes now exist in locations potentially affected by the scheme. That question may influence avoidance, layout, construction controls and licensing. In planning terms, it is preferable to understand those implications before concluding that the impacts are adequately addressed, rather than assuming that every consequence can safely be resolved only after permission has been granted.

9.6 The Ecology SoCG proposes ongoing monitoring before construction, with further mitigation or sett-closure licensing if required. I accept that badgers or a sett do not themselves preclude development. The planning question is whether evidence already before the Inquiry can properly be deferred to pre-construction monitoring, or whether its implications for layout and mitigation should first be understood.

## **10. Other LVAG Evidence**

10.1 Locational sustainability is addressed by LVAG's external transport consultant. Pat Phelan addresses the wider operational effects on horse racing and training, while recognising the Council's withdrawal of Reason for Refusal 4 and Surrey County Council's highway-safety position. I rely on those witnesses within their respective fields and address only the planning consequences of their conclusions.

## **11. Planning Benefits and Balance**

11.1 LVAG recognises that the proposal would deliver important benefits, including up to 110 dwellings in a Borough without a five-year housing land supply and 50% affordable housing, comprising up to 55 affordable dwellings. LVAG does not dispute that market and affordable housing delivery are substantial benefits. I also recognise public open space, biodiversity net gain and the sustainable transport package, subject to the evidence about their effectiveness and whether particular measures are mitigation rather than free-standing benefits.

11.2 The central question is one of weight. If the Inspector finds the site sustainably located and all requirements of Policy GB7 g. i-iv satisfied, the Green Belt balance arises differently. If Policy GB7 g. iii is not satisfied, the proposal does not benefit from the Grey Belt exception. Harm by reason of inappropriateness, openness and encroachment must then be considered with other harms, including landscape and visual harm, locational sustainability and car dependence, adverse impacts upon the horse-racing and training industry, ecological effects including harm to the adjacent Ancient Woodland and the Woodland Trust's Langley Vale Wood, and permanent loss of agricultural land. That exercise must also avoid double counting. Measures which are necessary to mitigate impacts should not

automatically be treated as independent benefits of the same weight as genuinely additional public benefits. Equally, I recognise that the affordable housing offer and contribution to overall housing supply are important considerations in favour of the scheme. My conclusion does not depend on minimising those benefits; it depends on applying the correct Green Belt policy sequence and then weighing the enduring harms identified by the evidence against the benefits actually delivered.

11.3 The recent appeal decisions demonstrate that substantial housing benefits do not automatically outweigh Green Belt, sustainability and landscape harm. The balance remains fact-specific. In my planning judgment, converting this open agricultural site to up to 110 dwellings would materially harm countryside character and Green Belt openness, and that change cannot be fully mitigated through planting. The comparison with those decisions is not advanced as a substitute for judgment on this site. It is useful because it demonstrates that significant housing need does not remove the requirement to test locational sustainability rigorously, and that the existence of mitigation or sustainable-transport measures does not itself answer whether a site is sustainably located. The present appeal should therefore turn on the quality of the evidence about Farm View itself: accessibility to services and employment, the practicality of walking and cycling, the reliability and attractiveness of public transport, and the likely travel choices of future residents.

11.4 If, as LVAG's sustainability evidence contends, Policy GB7 g. iii is not met, those harms are reinforced by the policy consequence that the proposal remains inappropriate development in the Green Belt. Acknowledging the strength of the market and affordable housing benefits, I do not consider the Green Belt harm and other harms would be clearly outweighed so as to amount to very special circumstances. LVAG therefore respectfully asks that the appeal be dismissed.

## **12. Conclusions**

12.1 LVAG accepts Grey Belt classification but maintains that the sustainable-location requirement remains a separate and conditional test. The recent appeal decisions show that practical accessibility and genuine alternatives to the private car are central to that assessment. The detailed evidence on that issue is provided by LVAG's transport witness.

12.2 The appeal site remains open agricultural land at the settlement edge. Development of up to 110 dwellings would cause a permanent change in landscape and a substantial spatial change in Green Belt openness. The Landscape and Visual SoCG leaves material matters unresolved and landscaping cannot restore the existing openness or countryside character once development has taken place.

12.3 The permanent loss of Subgrade 3a agricultural land is an additional harm. Later badger evidence also requires consideration because it post-dates the ecological baseline relied upon by the Appellant. I do not adopt the specialist observations as my own, but I consider their planning significance cannot simply be ignored because Mr Shatwell is unable to attend.

12.4 The scheme has important housing and affordable housing benefits. However, if Policy GB7 g. iii is not met, I do not consider those benefits clearly outweigh the Green Belt harm together with the other harms identified in the evidence. On that basis, very special circumstances would not exist and the appeal should be dismissed.

## **13. Principal Documents Referred To**

13.1 LVAG Rule 6 Party Statement of Case and August 2026 Clarification of Position; Overarching Planning Statement of Common Ground and topic-specific Statements of Common Ground; Landscape and Visual Statement of Common Ground; Ecology Statement of Common Ground; Appellant Ecological Impact Assessment; LVAG Badger Evidence; Case Management Conference Summary Note; Epsom & Ewell Borough Council Officer Report and Statement of Case; Fairfax Aspire Ltd Appellant Statement of Case; and the appeal decisions referred to in section 4 above.

## **14. Statement**

14.1 The evidence and planning judgments in this Proof are my own. I have sought to distinguish matters within my planning competence from specialist evidence given by other witnesses and from documentary evidence prepared by others.

John Mumford MRTPI (Retired)  
Chair, Langley Vale Action Group  
20<sup>th</sup> August 2026