
EXAMINATION OF THE EPSOM & EWELL BOROUGH COUNCIL

LOCAL PLAN 2022- 2040

MATTER 4: THE GREEN BELT

**On behalf of Epsom Projects Limited –
Reg. 19 Rep. number: 159**

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1.0 INTRODUCTION

- 1.1 This statement is submitted on behalf of Epsom Projects Limited (“Epsom Projects”) in relation to the Examination in Public of Epsom & Ewell Borough Council’s (‘the Council’) Local Plan 2022-2040 (‘the Local Plan’). Carter Jonas LLP is instructed by Epsom Projects.
- 1.2 Epsom Projects is the owner of Land off Cuddington Glade (**Land Availability Assessment (LAA) reference HOR004 – previously STA013**), which we can confirm remains available for development, and we firmly believe that it is suitable and achievable for much needed new homes. The Council’s ‘headline’ assessment of the site as recorded on the LAA Interactive Map, is as follows:
- “The site is in the GB [Green Belt], exceptional circumstances would need to be demonstrated for the site to be considered suitable.”*
- 1.3 Epsom Projects notes that in the Local Plan exceptional circumstances are cited to enable the review of Green Belt boundaries. Epsom Projects is therefore left somewhat bemused, and disappointed, by the fact that Land off Cuddington Glade is not proposed as a development site allocation.
- 1.4 In addition, post the publication of the revised National Planning Policy Framework (“the Framework”) in December 2024, the plan and its evidence have a significant omission, and that is that it does not consider **Grey Belt** land. It is Epsom Projects’ strongly held view that land off Cuddington Glade is Grey Belt land, and this is supported by the Council’s own analysis (a matter we return to later in these submissions).
- 1.5 The site should be allocated for residential development.
- 1.6 Epsom Projects made representations in response to the consultations held on the informal (Regulation 18) Plan and the Publication Plan (Regulation 19) consultation on the Local Plan.
- 1.7 In this submission, Epsom Projects sets out its responses to Matter 4: The Green Belt.
- 1.8 This statement should be read in combination with Epsom Projects’ responses to the Inspector’s other Matters.

Background

Land off Cuddington Glade - Site Context

- 1.9 The Site is located to the southwest of Epsom town centre and within what was formerly known as the Hospital Cluster, part of Epsom’s historic psychiatric facility that accommodated five hospitals and various ancillary grounds. The conversion and redevelopment of the Hospital Cluster into predominantly residential dwellings was an important part of the spatial strategy of the Core Strategy 2007.
- 1.10 The Council’s evidence continues (as it has over the lifetime of plan drafting since 2017/18) to demonstrate that the site performs very poorly against the functions of the Green Belt, and there are exceptional circumstances cited in the Local Plan which would support its removal from the designation. Moreover, the Government’s introduction of the Grey Belt into national policy also suggests that the site could be developed, because it would not be an inappropriate use of Green Belt land.

- 1.11 The Site can deliver a high quality new residential neighbourhood that responds positively to its surroundings, whilst creating open space benefits for new and existing residents.
- 1.12 The site will comply with the 'Golden Rules' of delivering housing on (former) Green Belt sites.
- 1.13 The key benefits can be summarised as follows:
 - 1. Delivery of up to 50 new homes, including a mix of market and affordable housing to meet the local need identified by Epsom & Ewell Borough Council.
 - 2. Creation of usable open space for leisure, recreation, health and wellbeing including the provision of a new outdoor gym that can be utilised by new and existing residents.
 - 3. Enhancement to the existing network of footpaths and cycleways that bound the Site to improve usage by new and existing residents and reduce reliance on car use.
 - 4. Creation of a development layout that is responsive to the Site's constraints and opportunities, including the retention of important trees and existing vegetation.
 - 5. Include areas for surface water management to ensure that flood risk is not increased in areas outside of the Site.

2.0 ISSUE 5: IS THE PLANS APPROACH TO THE GREEN BELT JUSTIFIED AND CONSISTENT WITH NATIONAL POLICY?

- 2.1 Epsom Projects has long been clear that there are exceptional circumstances to review Green Belt Boundaries in the Borough. The acute need for new homes is one among several circumstances. The overall housing need in the Borough is higher than the plan requirement and a combination of brownfield and (former) Green Belt sites will be necessary to meet these needs.
- 2.2 Questions 5.1, 5.2, 5.3, 5.6 and 5.7 are for the Council to answer in explaining its evidence base, and Epsom Projects has no comment to make regarding these questions. Other questions are responded to hereunder.

5.4 Are the exceptional circumstances outlined within paragraph 3.3 of TP02 to justify changes to the Green Belt boundaries suitably robust and do they justify the approach taken? A number of representations have stated that the Green Belt boundaries should not be reviewed as the Council has not done enough to optimise densities on brownfield sites. Are these concerns valid?

- 2.3 Epsom Projects broadly supports the Council's identification in the Local Plan of 'the scale of housing need' in the Borough as an exceptional circumstance (Local Plan para. 3.7) to support the review the Green Belt, however, there are other circumstances that should be considered too, and these include:
- The acute need for housing (both market and affordable) in the borough;
 - The extent of other physical and environment constraints to deliverable development outside of the Green Belt;
 - The achievement of sustainable patterns of development; and,
 - The assessment of the function of Green Belt land, and the balancing of this against the circumstances that can call for its release.
- 2.4 The housing need is sufficiently high in the borough, that regardless of how dense the allocation were made in the urban area, more homes would still be needed. Urban sites, and Green Belt releases will be required in the plan. Housing need, however, is not the only reason to review the Green Belt boundaries in Epsom and Ewell.
- 2.5 The Framework, at paragraph 145, outlines that:
- "...Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans."*
- 2.6 However, what constitutes "exceptional circumstances" is not defined in national policy, or in the associated Planning Practice Guidance (PPG) and is a matter of planning judgement. This was confirmed by LJ Jay in the Calverton¹ case where he noted that (albeit referring to the 2012 iteration of the Framework):
- "“Exceptional circumstances” remains undefined. The Department has made a deliberate policy decision to do this, entrusting decision-makers with the obligation of reaching sound*

¹ Calverton Parish Council v Nottingham City Council [2015] EWHC 1078 (Admin) (21 April 2015)

planning judgements on whether exceptionality exists in the circumstances of the individual case.”

- 2.7 Calverton is helpful at paragraph 51 where the judgements required in identifying exceptional circumstances are considered. Five ‘matters’ are identified:

(i): the scale of housing need

(ii): the inherent constraints on land suitable for sustainable development

(iii): Patterns of sustainable development

(iv): the nature and extent of the harm to this Green Belt

(v): mitigating and managing any resultant impacts on the purposes of the Green Belt

- 2.8 Epsom Project is pleased to see that the Council has adopted this guidance in its Green Belt and Exceptional Circumstances ‘Topic Paper.’ However, before considering the ‘matters,’ two other considerations should be noted: First, that the “very special circumstances” test in the Framework – in respect of assessment of planning applications for inappropriate development in the Green Belt – is a:

“stricter test than that ...of changing the boundaries of the Green Belt in the local plan.”

- 2.9 The This principle has also been held at the high court by Sir Duncan Ouseley . Second: in the same ruling Sir Duncan Ouseley concluded that no more than one individual circumstance was needed. However, exceptional circumstances can be found in the accumulation or combination of circumstances, of varying natures, which entitle the decision-maker, in the rational exercise of a planning judgement, to say that the circumstances are sufficiently exceptional to warrant altering the green belt boundary.

- 2.10 Epsom Projects notes that at Paragraph 3.73 of the agenda note to the full council committee of 10th December 2024, at which the draft plan was presented and approved:

“it can be seen from the WMS and NPPF consultation that the indications are that the borough will be expected to provide significantly more housing under the new system than at present. Were the figure to, as is suggested in the consultation, increase to 817 dwellings per annum, then this would significantly increase the need for sites compared to this proposed submission Local Plan, which would be likely to result in the need to include more land that is currently designated as Green Belt which is not proposed for development within this proposed submission Local Plan.”

- 2.11 There are clearly exceptional circumstances to support changes to the Green Belt boundaries, and these should be applied for more available and suitable sites across the borough, including for Land off Cuddington Glade.

- 5.5 Paragraph 147 of the Framework states that where it has been concluded that it is necessary for the release of Green Belt land for development, plans should first give consideration to land which has been previously developed and/or is well served by public transport. Has the Council taken this approach and where is the evidence to 10 support this? GB01 appears to indicate 4 assessments at**

paragraph 1.9 which do not include how well the site is served by public transport

- 2.12 While this is primarily a question for the Council to answer, Epsom Projects observes that the Green Belt release sites are generally well served by public transport across the Borough. This lends further weight to the sustainability of removing site from the Green Belt for development.
- 2.13 Land off Cuddington Glade, specifically, is with a 5 minute walk of the bus stops on Christ Church Road, Epsom KT19 8NE.

5.8 GB01 (Green Belt Study Update 2024) and GB02 (Green Belt Technical Note 2023) present the remainder of the evidence base in relation to the Green Belt boundaries within the borough. It identifies a scoring system for sites based on selecting sites with the least harm to the Green Belt purposes. Has the Council applied the criteria in a consistent manner? A number of representors have outlined how sites which have been discounted have scored less in Green Belt terms. Is the Council clear in the reasons they have discounted sites and where is this information provided within the evidence base?

- 2.14 This is the crux of Epsom Projects' ongoing and consistent concerns with the Local Plan, and clearly demonstrates that the evidence which underpins the plan is flawed, and unsound.
- 2.15 Epsom Projects maintains its dismay and disappointment that the Local Plan does not allocate Land off Cuddington Glade for housing development. This is despite Green Belt evidence – both currently published and historical – that demonstrates the site is of limited value when considering the performance of the Green Belt, and some positive discussions with the Council during the years which it has been drafting its Local Plan.
- 2.16 There is clearly inconsistency with how sites are assessed in the “Green Belt Study” (November 2024) and how they become an allocated site in the Local Plan.
- 2.17 Epsom Projects notes that Land off Cuddington Glade (LAA ref: HOR004) is assessed by the Council in its “Green Belt Study” (November 2024) as follows:
- Parcel Green Belt ‘performance’ score: 1 (lower than any site allocated, and considered above)
 - Landscape sensitivity: Low (the same as all the allocated sites considered above)
 - Visual sensitivity: Low (the same or better than all the allocated sites).
- 2.18 The ‘conclusion’ comments are:
- The Landscape sensitivity and visual sensitivity is low.*
- 2.19 Epsom Projects also notes that these assessments and conclusions are very similar to the outputs from the Council's Green Belt studies of 2017, and 2018. Nothing has changes on site, and the Council has had enough time to review the site and acknowledge that it does not strongly perform the functions of the Green Belt, and the logical conclusion is that development should be allowed on site.
- 2.20 The Council has taken the decision to ‘inset’ the “hospital clusters” including two areas of development north of Cuddington Glade. It is not clear why Cuddington Glade is not also inset, it is built form, and a similar character to the other “clusters.” Moreover, Land North of Cuddington Galde will become

adjacent to a Green Belt boundary, and would therefore – if ‘released’ – no longer risk becoming an ‘island’ of non-Green Belt land. Cuddington Glade, and land to the north, should logically be inset from the Green Belt along with the two “clusters” to ensure consistency, and to allow for the delivery of much needed new homes.

- 2.21 The LAA reference to Land off Cuddington Glade (HOR004 and previously STA013) concludes that the site is suitable for development, should exceptional circumstances be demonstrated for the change of Green Belt boundaries. As is discussed above, such exceptional circumstances exist, so it would appear that there is no reason to omit Land off Cuddington Glade from the Local Plan.
- 2.22 Moreover, there is no reason to not allocate Land off Cuddington Glade given in the Sustainability Appraisal (SA). In fact, there is no mention of the site (by name) in the SA at all. The closest we get to an assessment of the site in the SA, is as an “other Green Belt site.” Previously in these submissions we have noted that Land off Cuddington Glade could be included in “package of sites” number 6: South of Manor Park, from which it is inexplicably excluded, or it could be allocated as a standalone site. The SA summary of the “other Green Belt sites” reads as follows:

...all are judged to perform relatively poorly, at least in relative terms, i.e. in comparison to the sites discussed above. For example, land is available to the south of the town centre / east of Ashley Road / west of Chalk Lane, but this is steeply rising land with links to the racecourse, and there is a blanket TPO in place. Also, land is available between two of the components of the former hospitals cluster (the Manor and Horton), but this land is mostly designated as an SNCI (Livingstone Park). Finally, it should be noted that Council officers and AECOM discussed the possibility of exploring the potential to allocate parcels of land over-and-above those that have been promoted as available, which would necessitate proactive work to engage with land-owners etc. However, no significant opportunities were identified.

One parcel of land that is not subject to headline constraints is at the southwest extent of the borough, adjacent to Ashted, but land here is seemingly in use as a stud farm and is poorly connected in transport terms, particularly as direct access to the A24 is blocked by an area of wooded common land. The possibility of modest housing growth with access from the west might be envisaged, but there is a significant surface water flood channel along the western boundary of this land parcel (the headwaters of the Rye) plus the adjacent common land.

- 2.23 It is, however, unclear how such an unequivocal assessment has been reached because there is no further detailed assessment of the sites in question. There is no detail regarding why Land off Cuddington Glade is “...judged to perform relatively poorly...” and on the contrary, the negatives listed in the above excerpt from the SA do not seem to relate to the site at all. Further detailed analysis of Land off Cuddington Glade is necessary from the Council to justify its exclusion from the Draft Local Plan.
- 2.24 In the absence of any critical analysis of Land off Cuddington Glade to justify its exclusion from the Draft Local Plan, and indeed to support its positive assessment in the LAA, and the Green Belt study, Epsom Projects has developed a vision for the site, which demonstrates that the site is suitable, achievable and available for development, but more than that, it is a sustainable and logical location for development and:
- 2.25 In the light of the work undertaken to date, it is considered that the Site can deliver a high quality new residential neighbourhood that responds positively to its surroundings, whilst creating open space benefits for new and existing residents.

5.9 Could the Council be doing more to address the 5500 dwelling shortfall?

- 2.26 Yes. As Epsom Projects has consistently commented, and it set out in both the Reg. 19 submissions and in its Matters statements, the Council's own evidence demonstrates that there is substantial additional land available for development in the Borough which should be allocated for residential development – not least of these is Land of Cuddington Glade.

5.11 The transitional arrangements confirm that policies in the NPPF 2024 apply to planning applications from the day of publication. Footnote 58 indicates that the golden rules contributions in paragraph 156 do not apply if sites were released from the Green Belt in a plan which was adopted prior to publication of the NPPF 2024. As this Plan is in the process of being examined, this exception would not appear to relate to new Green Belt release sites within this Plan. Does the Plan need to be modified to include requirements for development on housing allocations removed from the Green Belt relating to the contributions (Golden Rules) referred to in NPPF 156 (affordable housing, infrastructure and accessible green spaces)?

- 2.27 Yes, the plan will require a modification to reflect the Golden Rules, the viability implications of this can be managed through the development management process as site specific viability assessment can be used where necessary, but the Council will need to demonstrate overall deliverability, so further work on its behalf might be required in this regard.

