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## Appeal Decision

Site visit made on 25 June 2025

by **Stewart Glassar BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 JULY 2025

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**Appeal Ref: APP/P3610/W/25/3359376**

**Langley Bottom Farm, Epsom, Surrey KT18 6AP**

**(Easting: 520658 Northing: 157587)**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr Shelbourne (Homes by Harlequin) against the decision of Epsom and Ewell Borough Council.
  - The application Ref is 24/00568/FUL.
  - The development proposed is described as 'planning permission for the delivery of a new residential dwelling in replacement of the existing ruins of the 1900s farm house at Langley Bottom Farm.'
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. Given that the application form, appeal form and decision notice all use a slightly different description of development, and as there is no indication that the appellant gave consent to change the description, the wording used in the banner heading is taken from the planning application form.
3. The Council, in its appeal statement, confirmed that it no longer wished to pursue reason for refusal 1 (Green Belt) given the introduction of the term 'Grey Belt' in the revised National Planning Policy Framework (the Framework).
4. The tests for Grey Belt are that the land would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan; that there is demonstrable unmet need for the type of development; and that it is in a sustainable location.
5. Some interested parties have indicated that the Green Belt around Langley Vale acts as a check on its unrestricted sprawl. However, this purpose of the Green Belt is to check unrestricted sprawl of large built-up areas. Having regard to the Planning Practice Guidance (PPG), Langley Vale would not be a large built-up area. Given the evidence before me, including the appeal decision for Langley Bottom Farm, the site would be in a sustainable location. There is no dispute, given the stated housing land supply figures, that there is an unmet demand for housing in the area. Consequently, I agree that the site would accord with Paragraph 155 of the Framework and that the development would not be inappropriate development in the Green Belt.
6. The Council also confirmed that it no longer wished to defend reasons for refusal 3 (harm to trees) or 4 (ecology/protected species information). It is evident that the

site had been cleared of planting and/or habitat and so the Council's concerns in relation to reasons for refusal 3 and 4 fall away. I consequently make no further comment on them.

### **Main Issue**

7. The main issue is therefore the effect of the proposed development on the character and appearance of the area.

### **Reasons**

8. The site is to the southwest of Langley Vale and there is no dispute between the main parties that it falls outside the defined settlement boundary. The site was once occupied by a former farmhouse but there are now only limited remains of the building, which were partially overgrown at the time of my site visit.
9. As the site effectively sits in a small valley and so is on lower lying land than Langley Vale, it is not overly prominent within the landscape. Nevertheless, views of the site are still possible from public vantage points and some houses in Langley Vale, principally those in Langley Close.
10. While the historical information shows that a building previously existed on site, none of it offers a particularly accurate indication of the building's previous footprint and height. Furthermore, although the proposed scheme is described as a 'replacement' there is now, as noted above, very little remaining of the previous building.
11. Nonetheless, it is suggested that the history of the site should be a weighty material consideration. It is argued that there is little difference in footprint and volume between what is proposed and what existed previously and so no harm would be caused visually on site, especially given the context of the current surrounds.
12. However, there is no indication as to how recently there existed on site something which was recognisable as a dwellinghouse. The most up-to-date information as to the existence of a building is a map dated from 1973, which is over 50 years ago.
13. Furthermore, it is not suggested that there remains any 'fall back' position which would allow the building to be rebuilt 'as was' without planning permission or through permitted development rights. The appellant's arguments therefore largely rely on overlooking the fact that what remains on site is not a farmhouse but a few pieces of what were once a dwelling. The planning history therefore attracts little weight in my considerations given that there is no longer a dwelling on site.
14. Unlike the former Langley Bottom Farm site, which is in the process of being redeveloped, the appeal site does not benefit from existing landscaping. Furthermore, the site's size and position together with the proposed site layout does not demonstrate to me that substantive landscaping would be achievable and that the new dwelling would not be conspicuous when seen from public vantage points or the houses in Langley Close.
15. Moreover, the proposal for Langley Bottom Farm was found to 'holistically and coherently improve the visual appearance of the whole site, particularly when seen by passers-by from localised viewpoints such as from the bridleways/public

footpaths crossing and close to the site.' To that extent, there were considered to be environmental benefits associated with that proposal.

16. While the appeal site before me is overgrown, it is not inherently visually unattractive and is not at all an unusual or uncommon sight in the countryside. Similarly, whilst a new dwelling is not inherently unattractive, it would not represent an environmental benefit in the same way the dwellings were considered to be for the Langley Bottom Farm site.
17. Even though the surrounding landscape might not be considered notably rural, and there is new housing at Langley Farm, the proposed new dwelling would be an unexpected sight, neither appearing as part of the Langley Farm redevelopment nor as part of Langley Vale. As such, it would appear as a sporadic development and piecemeal urbanisation of a generally open area of land which forms part of the transition between the built environs of Langley Vale and the wider countryside setting.
18. Therefore, the proposed dwelling would not assimilate into the landscape but instead have an adverse effect on the character and appearance of the area. It would therefore conflict with Policy CS5 of the Epsom and Ewell Core Strategy 2007 and Policies DM9 and DM10 of the Epsom and Ewell Development Management Policies Document 2015. These policies, amongst other things, seek to ensure that developments complement the attractive characteristics of the Borough and make a positive contribution to the natural environment and a site's surroundings.

### **Other Matters**

19. The Council does not dispute the appellant's figures of there being just a 1.56 years' supply of deliverable housing land in the area and that only 38% of the Borough's housing requirement has been delivered over the past three years. This is a matter which weighs in favour of the proposal, commensurate with the scale of the provision provided.
20. Even though the site may be considered to have been previously developed, Paragraph 125 of the Framework gives substantial weight to the value of using suitable brownfield land within settlements for homes. At Paragraph 89, in relation to supporting a prosperous local economy, the Framework also encourages the use of previously developed land that is well-related to existing settlements. As the site is neither within a settlement nor well-related to one, the site being previously developed is not a reason to allow the appeal.
21. Despite some initial uncertainty as to whether the development would achieve the mandatory 10% Biodiversity Net Gain (BNG), the main parties now agree that it would be achievable. It would be reached through a combination of both on and off site gains. However, the Council is concerned that there is no legal agreement in place to secure monitoring of the BNG.
22. The off-site provision is somewhat vague at this stage and although the appellant suggests a condition could include provision for a subsequent legal agreement if required, the PPG advises that a positively worded condition which requires an applicant to enter into a planning obligation is unlikely to be enforceable.

23. Even if the appellant were to secure appropriate off-site provision, given that the BNG should achieve its objectives for 30 years from the date of completion of the habitat creation or enhancement, there is likely to be a requirement for on-going monitoring. Given the uncertainty over where or what the off-site BNG might entail this could be a time-consuming process. Conversely, a condition which required regular monitoring or update reports to be provided might negate the need for extensive monitoring by the Council.
24. Thus, I cannot discount the possibility of an appropriately worded condition being achievable thereby enabling the development to proceed and a BNG to be provided. While I acknowledge that the main parties would need an opportunity to comment prior to any final decision on this matter, my assessment at this point leads me to take the BNG as a benefit proportionate to the scale of the gain.

### **Planning Balance**

25. Due to the lack of a five-year housing land supply and because there are no policies in the Framework which offer a strong reason for refusal, Paragraph 11(d)(ii) of the Framework is engaged.
26. The proposal would make a positive, albeit in numerical terms, small contribution towards boosting housing supply. It would also result in some economic benefits during the construction phase and subsequently upon occupation. There may also be some social benefits too. The dwelling could be built out quickly and would be in a sustainable location, close to a settlement and on land on which there was previous development. Despite the proposal only being for a single dwelling, I give very considerable weight to its provision given the context of the existing housing land supply and delivery position.
27. Weighed against these benefits is the harm that I have identified and in particular the adverse effect the proposal would have on the landscape and character of the area, which would be significant and long lasting. The need to protect the character and appearance of an area is perennial and in direct compliance with the Framework. Indeed, there is nothing in the Framework which indicates that the provision of housing should be at the expense of such matters. Accordingly, I ascribe the harm substantial weight.
28. Therefore, when assessed against the policies in the Framework taken as a whole, I find that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits. The appeal scheme therefore does not benefit from the presumption in favour of sustainable development.

### **Conclusion**

29. In conclusion, the proposal conflicts with the development plan when taken as a whole. There are no material considerations, including the provisions of the Framework, that indicate that a decision should be made other than in accordance with it. The appeal is therefore dismissed.

*Stewart Glassar*

INSPECTOR