



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: 06 August 2025

Appeal Ref: APP/L3625/W/25/3361053

Shawley Community Primary School, Shawley Way, Epsom KT18 5PD

- 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 Shan Moylan (Leo Academy Trust) against the decision of Reigate and Banstead Borough Council.
 - The application Ref is 22/02601/F.
 - The development proposed is anew artificial grass pitch (AGP) with associated perimeter fencing and LED sports lighting.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of neighbouring residents with particular regard to noise, disturbance and disruption caused through the hours of use and vehicle movements.

Reasons

3. The scheme as now proposed would allow the appeal site to be used for an additional 12 hours during the week over and above the existing school use, and an additional 9 hours over the weekend. This would inevitably involve activity and noise at and around the site at times when nearby residents might reasonably expect an absence or lessening of such occurrences.

Noise

4. A Noise Impact Assessment (NIA) has been submitted in support of the proposal. It concludes that the scheme would meet the Sports England guidance and external WHO (1999) community guideline levels. Although it suggests that 'if desired' an acoustic barrier could be introduced and a detailed Noise Management Plan (NMP), elsewhere it recommends (my emphasis) an acoustic barrier be incorporated around the pitch.
5. The barrier would need to be 3m in height on the south and east boundaries and 2m in height on the north and west boundaries. No further details beyond a noise map are provided.
6. Despite this being the initial form of mitigation being recommended, the NIA goes on to suggest that noise emissions might be more effectively reduced through good facility management as set out in a NMP. There is no clear explanation as to

why this might be the case. Nonetheless, the appellants suggest a suitably worded condition to control such a document would address the matter.

7. The initial consultation response from the Council's Regulatory Support Services indeed set out a possible condition to require a management plan. The wording includes terms which would be imprecise such as 'significantly impacting local amenity', 'reasonably practicable', 'satisfaction of the local planning authority.' It demonstrates the difficulty in producing a precise condition to establish the broad parameters required for a NMP.
8. If a NMP is more effective than an acoustic barrier it is an important element in the overall functioning of the facility. Consequently, to my mind, it is a document which should accompany the submission rather than be something to be agreed at a later stage. For example, it is suggested that the NMP would seek to control the behaviour of users of the AGP beyond the confines of the appeal site. However, it is not clear how such potentially important matters away from the appeal site would be enforceable through a planning condition.
9. Thus, the absence of clarity at this stage around why a NMP would be preferable to an acoustic barrier, which the NIA recommends; the use and terms of a NMP; and the effectiveness of any NMP mean that I cannot reach any firm conclusions as to its robustness and likely effectiveness in controlling noise, which is an important factor in my deliberations.

Highways

10. A Transport Statement (TS) accompanied the submission. The TS shows that although local residents would at times notice an increase in vehicle movements and demand for on-street parking, this demand would not exceed the supply on surrounding roads. Even if the demand for parking was greater than predicted there would be sufficient capacity to accommodate it. It is also noted that on some occasions there would be the option to suspend use of the AGP.
11. This would generate the need for a Car Park Management Plan and also a Travel Plan (TP). Unlike the NMP, both of these documents have been provided and considered by the Highway Authority. The documents have been updated in the light of requests from the Highway Authority and have been found to be acceptable in highways terms. The accreditation for the TP expired on 31 December 2024 but the TP could no doubt be reviewed and updated.
12. These all place several responsibilities upon the School and the AGP letting staff to monitor and report on various aspects of the operation. While it would be harder to control non-school staff and ensure they were fully briefed and followed all the requirements, the Highway Authority has not raised an objection to the documents nor how things would operate in practice.
13. Residents in the vicinity of the school and living in surrounding roads would notice the increased demand for parking and the additional activity which would be associated with it. Houses in the area are generally set back from the road and have reasonably sized front gardens. These roads also benefit from reasonably wide grass verges.
14. Provided the suggested finishing times were rigorously enforced, neighbours could reasonably expect vehicles of users of the AGP to have departed from the area

within say 30 minutes of the finishing time. Overall, the effect from vehicles (as opposed to the users of the AGP) would not be unduly impactful on the living conditions of residents.

Findings

15. Overall, it would be possible to manage the highways, parking and access arrangements, such that the scheme would accord with Policy TAP1 of the Development Management Plan 2019 (DMP). However, I find that there is an absence of sufficiently clear and convincing evidence to support the contention that harm to the living conditions of occupiers of neighbouring properties would not arise due to noise. The scheme therefore conflicts with Policies DES1 and OSR3 of the DMP which seek, amongst other things, to ensure that the amenity of residents occupying nearby buildings is not adversely affected.

Other Matters

16. The provision of an AGP would offer benefits, not just to the school but also to the wider community. It would promote a healthy lifestyle which could have wider societal benefits too. These are important advantages of the proposal which carry significant weight.
17. There are a number of other matters on which the main parties agree or where issues could be addressed through the use of planning conditions, such as the lighting scheme, flooding, design, landscaping, ecology etc. As such, these matters represent an absence of harm and so are neutral in my decision.

Conclusion

18. There are no objections in principle to the loss of the existing pitches and there would be beneficial aspects of the scheme that would assist both the school and the wider community/society. These accord with the thrust of government policy.
19. However, at this stage, there is not sufficient evidence to demonstrate that this would not be to the detriment of the living conditions of neighbouring residents. This weighs significantly against the proposed development given that such harms could be long lasting and unlikely to diminish over time. Indeed, the need to avoid them is perennial and in direct compliance with the Framework as well as the development plan.
20. Consequently, the proposal would cause harms which would conflict with the development plan when taken as a whole. There are no other material considerations, including the Framework, which lead me to determine the appeal other than in accordance with the development plan.
21. Therefore, I conclude that this appeal should not succeed.

Stewart Glassar

INSPECTOR