
Appeal Decision

Site visit made on 19 January 2016

by Grahame Gould BA MPhil MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29 February, 2016

Appeal Ref: APP/P3610/W/15/3134650

Royal Automobile Club, Woodcote Park, Epsom, Surrey KT18 7EW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by the Royal Automobile Club Limited against the decision of Epsom and Ewell Borough Council.
 - The application Ref 14/00561/OUT, dated 14 July 2014, was refused by notice dated 17 March 2015.
 - The development proposed is 'outline application for residential development (2 x plots) with associated infrastructure'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application has been made in outline form with all matters being reserved for future consideration.
3. The Council adopted, as part of its Development Plan, the Epsom and Ewell Development Management Policies (DMP) on 15 October 2015 and this has replaced the Council's Local Plan 2000. The Council drew attention to the DMP's adoption in its appeal statement and the appellant in making its 'final comments' has had the opportunity to comment upon the Development Plan policy change that has arisen. I am required to determine this appeal having regard to the policies of the extant Development Plan and accordingly, without prejudice to the appellant's case, I have disregarded all references to the now superseded Local Plan policies.
4. As part of this appeal the appellant has entered into a Section 106 agreement (S106 agreement) with the Council and this agreement would obligate the appellant to set aside in the region of £1.6 million from the proceeds of the sale of the appeal site to fund the restoration of the 'Walled Garden' and 'Gardener's Cottage'¹, Listed buildings within the grounds of the adjoining Woodcote Park. I return to this Listed buildings' enabling works funding later in my reasoning.
5. The parties' cases, as originally presented, included no financial viability information. However, in order for me to consider the need for any affordable

¹ The Listed Buildings

housing provision (**the second limb to the Council's refusal reason**) it is necessary for me to have sight of the development appraisal that the appellant presented to the Council. The appellant has submitted that this information is commercially sensitive and has therefore provided a heavily redacted version of the report that was presented to the Council².

6. The appellant **takes issue with the fact that the members of the Council's** Planning Committee determined the appeal application contrary to the recommendation made by its officers. Any issue that the appellant might have about the manner in which the appealed application was determined by the Council is not a matter for my consideration and should be raised with the Council. I am required to determine this appeal on its individual merits, having regard to: **the Council's** reason for refusal; the evidence presented to me; the relevant legislative provisions; and the extant national and adopted Development Plan policies and that is what I have done.

Main Issues

7. The main issues are:
- Whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework);
 - The effect of the proposal on the openness of the Green Belt;
 - Whether the development should make provision for affordable housing **within the Council's area; and**
 - If the proposal is inappropriate development whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

8. The appeal site comprises a 0.9 hectare plot of rough grassland at the southern extremity of The Ridge, a residential no through road that is characterised by dwellings of individual designs and ages. The site lies to the south west of Woodcote Park. There are various trees around the perimeter of the site and some of these are the subject of a tree preservation order.
9. The appeal development would involve the construction of two dwellings. Indicative drawings were submitted with the application and these suggest that it is intended that the dwellings would be two storeys in height.

Whether inappropriate development in the Green Belt

10. The appeal site lies within the Metropolitan Green Belt (the Green Belt) and the Framework states that new building in this area would be inappropriate unless it comes within the exceptions listed in paragraph 89 of the Framework. As the appeal development would involve the construction of two new houses it would not come within one of the paragraph 89.

² Enabling this information to be placed in the public domain in connection with the determination of this appeal

11. The parties agree that this development would amount to inappropriate development for the purposes of the Framework. There would also be conflict with the objectives of Policy CS2 of the Epsom and Ewell Core Strategy 2007 (the Core Strategy), a policy that does not support development in the Green Belt if it would be inappropriate, as defined by national policy. The harm to the Green Belt is something that I must attach substantial weight to, having regard to the provisions of paragraph 88 of the Framework.

Effect on openness

12. Openness in Green Belt terms means an area free from development. The appeal site in its current form is therefore unquestionably an area of open land and this development would give rise to some loss of openness within the Green Belt. I accept, however, that the development would to some degree appear as an extension of The Ridge. Nevertheless there would be some reduction in the openness of the area and this development would be at odds **with the Green Belt's purposes, as identified in paragraph 80 of the Framework**, most particularly the third bullet point³.
13. On this issue I therefore conclude that the appeal development would give rise to moderate harm to the Green Belt's **openness**.

Affordable Housing

14. Subject to thresholds Policy CS9 of the Core Strategy requires new residential development to make provision for affordable housing either on-site as part of a scheme; or to make a financial contribution towards such provision off-site. The area of this site is such that under Policy CS9 40% of the dwellings provided should be affordable.
15. The appeal development is intended to generate funding for the restoration of the Listed buildings and the appellant submits that were an affordable housing contribution to be required then this would reduce the funds that could be put to the restoration works. Hereafter all of the specific financial references I shall make are based upon the contents of the redacted version of the development appraisal⁴ submitted as part of this appeal.
16. In round terms the cost of restoring the Listed buildings has been identified as being in the region of £2.9 million. It is anticipated that that the combined gross development value (GDV, i.e. sales value) for the proposed houses would be of the order of £8.25 million. The appellant's **development appraisal** has used a standard residual land value (RLV) methodology. The calculation of the RLV enables a comparison to be made between what the appellant might expect to receive from the sale of the appeal site and the cost of refurbishing the Listed buildings. Based upon my experience of seeing RLV calculations, the assumptions (costs and profit levels etc) used by the **appellant's advisor** appear reasonable.
17. As the calculated RLV is within the redacted part of the JLL report, I can only assume the sum of £1.6 million, defined in the S106 agreement as the

³ 'to assist in safeguarding the countryside from encroachment'

⁴ The Jones Lang LaSalle Enabling Development Assessment of May 2014 (the JLL report)

'Agreed Sum'⁵, equates to the RLV identified in the JLL report. Using the above mentioned figures the cost of restoring the Listed buildings would **exceed the appeal development's RLV by in the region of £1.3 million**. I am also mindful of the fact that the appeal development would be liable to make a Community Infrastructure Levy (CIL) payment in the region of £177,000⁶. Given the shortfall between the sale proceeds and the refurbishment costs and the requirement to make a CIL payment, I am persuaded that requiring the appeal development to make an affordable housing contribution would potentially direct funds away from the restoration of the Listed buildings. A situation that would undermine the reason for the promotion of the appeal development.

18. Accordingly on this issue I conclude that there would be no unacceptable conflict with the objectives of Policy CS9 of the Core Strategy. The absence of an affordable housing contribution I find would be a minor adverse consequence of the appeal development.

Other Considerations

19. The appeal development would generate just over half of the sum that the appellant has identified as being needed to restore the Listed buildings. It is submitted that the sale proceeds from the appeal development would be an essential source of funding for the restoration of the Listed buildings and that the appellant has no other means to fund these works. It is also argued that if the appeal scheme is not allowed then the appellant would do no more than fulfil the minimum statutory requirement to maintain the Listed buildings in a wind and weather tight condition.
20. The restoration of the Listed buildings **would form part of the appellant's** ambitious plans to improve the attractiveness of Woodcote Park as a country club destination for its membership. In this respect I note that the Council has granted planning permission and Listed building consent for, amongst other things: additional overnight accommodation and banqueting facilities; the establishment of a motor heritage wing; the creation of a **children's** facilities area within the Walled Garden; the provision of extended car parking facilities; and the rebuilding of a sports centre, all as part of the masterplan proposals for Woodcote Park⁷.
21. The Listed buildings are currently in a very poor condition, with the cottage being a derelict shell that is in part open to the elements. I therefore recognise that there would be significant benefit in securing the restoration of and reuse of these nationally designated heritage assets. However, on the available evidence it appears to me that the restoration of the Listed buildings would be an **integral part of the appellant's proposal to create a children's** facilities area⁸, which in turn is a key element of its wider plan to generate greater RAC member use of Woodcote Park.

⁵ i.e. the net proceeds from the sale of the site to be made available as enabling works funding for the restoration of the Walled Garden and **Gardener's** Cottage

⁶ Paragraph 6.11.1 of the JLL report

⁷ **As outlined in the background papers included with the appellant's case, including the committee reports for applications 14/01209/FUL and 14/01210/LBA**

⁸ **With the provision of children's facilities being described as '... vital to attracting members with young children to Woodcote Park ...'** – page 30 the Design and Access Statement (DaAS) submitted with the appealed application

22. I recognise that the proceeds from the sale of the appeal site would only be used to fund the restoration of the Listed buildings and would not of themselves be used to fund the new **build elements of the children's** facilities area⁹. Nevertheless if the Walled Garden, in particular, is not restored, then it would not be able to accommodate the intended **children's** facilities area. It therefore appears to me that the restored Walled Garden would have a significant role to play in the implementation of the masterplan for Woodcote Park. **I am therefore not persuaded by the appellant's** assertion that it would **'... derive no real direct benefit from realising the full restoration and reparation of the listed structures as not achieving this would not stop or change how the Club intend to use the wider Woodcote Park'**¹⁰.
23. Although no financial information relating to the wider masterplan proposals form part of the appeal evidence, it seems likely to me that the works subject to applications 14/01209/FUL and 14/01210/LBA would require substantial investment. On the available evidence, I find it difficult to accept, given the scale of funding that would seem likely to be needed to implement the masterplan, that sufficient finances could not be found to restore the Listed buildings as part of the masterplan's **implementation**. I say this because it appears to me that the predicted proceeds from the sale of the appeal site, at around £1.6 million, would seem to be a comparatively modest sum compared to the investment needed to implement the masterplan in its totality.
24. On the basis of the available evidence I am not persuaded that the sale of the appeal site represents the only means by which funding for the restoration of the Listed buildings could be secured. In reaching this view I find there to be no direct conflict with the objectives of Policy CS5 of the Core Strategy or section 12 of the Framework (Conserving and enhancing the historic environment). This is because permissions have already been granted for the scheme and works relating to the Listed buildings and it is against the just mentioned policy context that those works fell to be judged, while the appeal development falls to assessed primarily against other national and local planning policies.
25. I am mindful of the fact that under the executed S106 agreement public access to Woodcote Park, including the restored Listed buildings, would be permitted by the appellant. However, as noted in the **appellant's planning** statement such access would be 'limited' and the relevant obligation in the S106 agreement is rather vague as to what public access would be permitted, with reference being made to a minimum of one day a year. On the available evidence I am not persuaded that any significant weight can be attached to any public access opportunities that the appellant would be obligated to provide under the terms of the S106 agreement.
26. On the available evidence I therefore find that only limited weight should be attached to the appeal development as a source of funding for the restoration of the Listed buildings.

⁹ Page 30 of the DaAS for the appealed application

¹⁰ Paragraph 2.15 of the **appellant's appeal** statement of case

Conclusions

27. The appeal development would be inappropriate development in the Green Belt, as defined by the Framework, which would, by definition, be harmful to the Green Belt; harm that the Framework indicates should be given substantial weight. The loss to the openness of the Green Belt at this point, and thus harm to it, would be of moderate adverse weight.
28. For the reasons given above I have found that only limited weight should be attached to the appeal scheme as enabling development to fund the Listed buildings' restoration, given: the likely scale of funds that would be required to implement the **appellant's** masterplan for Woodcote Park; and the central **role that the appellant foresees the children's** facilities area, to be accommodated within the restored Walled Garden, would play in expanding **Woodcote Park's** use. With respect to the provision of affordable housing, the absence of an affordable contribution, given the circumstances that I have outlined above, would be a minor adverse consequence of the appeal development.
29. My concerns with this development are not something that could be overcome by my imposition of reasonable planning conditions or the appellant entering into obligations under the S106 agreement.
30. Consequently on the available evidence I find there are not the very special circumstances necessary to justify inappropriate development in the Green Belt. I therefore conclude that this appeal should be dismissed.

Grahame Gould

INSPECTOR