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**Town and Country Planning Act 1990 (as amended)  
Town and Country Planning (Development Management Procedure)  
(England) Order 2015**

**Proposal:** Relocation of external bin store, erection of new timber fencing and new concrete slab to replace existing block paving at the entrance to the nursery school car park.

**Location:** Fennies Nursery, The Old School House, 1A Hook Road, Epsom, Surrey.

**Application Number:** 21/00041/FUL

Epsom & Ewell Borough Council has considered your application and **REFUSES** permission for the proposed development for the following reason(s):

- 1 The proposed external bin store and timber fencing, by reason of its design, height and siting, would be a discordant and dominant feature that would be harmful to the visual amenities of the surrounding Adelphi Road Conservation Area, in conflict with the NPPF (2019), Policy CS5 (The Built Environment) of the LDF Core Strategy (2007) and Policies DM8 (Heritage Assets), DM9 (Townscape Character and Local Distinctiveness) and DM10 (Design Requirements for New Developments (including House Extensions)) of the LDF Development Management Policies Document (2015). The public benefits do not outweigh the less than substantial harm, in conflict with Paragraph 196 of the NPPF (2019).
- 2 The proposed external bin store and associated hard landscaping, by reason of its siting surrounding the Common Lime tree, has not respected the trees requirement for growth and would compromise the rooting environment. This would be harmful to the future health and vigour of this mature tree, which makes an important contribution to the visual quality of the landscape and character of the immediate area and could lead to demand to remove the tree at a future date, in conflict with Policy DM5 (Trees and Landscape) of the LDF Development Management Policies Document (2015).

**Informatives**

- 1 In dealing with the application, the Council has implemented the requirement of the National Planning Policy Framework (NPPF) to work with the applicant in a positive

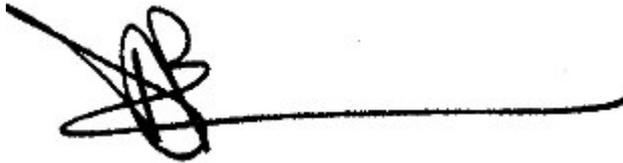
and proactive way. We have assessed the proposal against all material considerations, including planning policies and any representations that may have been received and whilst planning permission has been refused regard has been had to the presumption to approve sustainable development where possible, as set out within the NPPF.

- 2 The following submitted drawings and documentation were considered as part of the assessment of this application:

(01)000 P1 Location Plan (Received 13/01/2021)  
(01)002 P1 Proposed Site Plan (Received 13/01/2021)  
(01)003 P2 Existing and Proposed Entrance Area Plans (Received 13/01/2021)  
(24)002 P2 Proposed Elevations (Bin Store) (Received 13/01/2021)  
Tree Protection Plan (Received 13/01/2021)  
Design & Access Statement (Received 13/01/2021)

Dated: 8 March 2021

Signed:



Head of Planning

**Your attention is drawn to the following notes:**

**Appeals to the Secretary of State**

If you are aggrieved by the decision of the local planning authority to refuse permission for the proposed development, or to grant it subject to conditions, then you may appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990 within the following timescales:

Householder applications

If you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

Full applications

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

Enforcement applications (land already the subject of an enforcement notice)

A planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

Enforcement applications (land which has an enforcement notice served)

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder appeal) of the date of this notice whichever period expires earlier.

Appeals must be made using a form which you can get from the Secretary of State online at <https://www.gov.uk/planning-inspectorate> or by writing to Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (tel: 0303 444 5000).

The Secretary of State can allow a longer period for the giving of a notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order, and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. [Further details are on GOV.UK](#)

### **Purchase Notices**

If either the local planning authority or the Secretary of State refuse permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances the owner may serve a purchase notice on the Council. This notice will require the Council to purchase the owner's interest in the land in accordance with the provision of the Town and Country Planning Act 1990.

**TOWN AND COUNTRY PLANNING ACT 1990  
APPEAL UNDER SECTION 78**

**Notification of intention to submit an appeal**

Under the provisions of Recommendation 3 of the Rosewell Review into inquiry appeals, this notification is to give the Local Planning Authority and Planning Inspectorate not less than 10 working days' notice of an intention to submit a planning appeal where the appellant will request the inquiry procedure.

*Complete the following:*

<p>The appeal will be against ..... <i>(insert Local Planning Authority name)</i></p> <p>for ..... <i>(insert reason for appeal e.g. refusal, failure to decide or appealing against conditions)</i></p> <p>Appellant(s) name: .....</p> <p>Site Address: .....</p> <p>Description of development: ..... ..... .....</p> <p>Planning application number: .....</p> <p>Likely submission date of appeal: .....</p> <p>Proposed duration of inquiry in days: .....</p>
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**Next steps:**

1. Complete the above fields
2. Save this document
3. Attach to an email and send to the Local Planning Authority and also the Planning Inspectorate  
[inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)
4. Submit your appeal via the [Appeals Casework Portal](#) not less than 10 working days after sending this notification.

