

**Our ref: PPS1450 IP 210201**

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Date: 16 April 2021

Planning Department,  
Epsom and Ewell District Council,  
Town Hall,  
The Parade,  
Surrey,  
KT18 5BY

Planning Portal Reference: PP-09490459

Dear Sir / Madam,

### **On behalf of Hobbledown Limited**

### **Full Planning Application for a 'New water play area comprising formation of shallow water features and erection of play equipment and associated structures' at Hobbledown, Horton Lane, Epsom, Surrey, KT19 8PT.**

On behalf of my client I enclose an application for a 'new water play area comprising formation of shallow water features and erection of play equipment and associated structures' at Hobbledown, Horton Lane, Epsom, Surrey, KT19 8PT. The application document comprises:

- This Covering Letter;
- Application form duly completed and signed;
- Community Infrastructure Levy questions form;
- Site Location Plan (Drawing Number: 1450-0001-02);
- Ecology Phase 1 Habitat Survey (Drawing Number: ECO1598-3.2);
- Ecology Pond Locations Plan (Drawing Number: ECO1598-3.3);
- Preliminary Ecological Appraisal (prepared by RPS);
- Kunstlerische Holzgestaltung Bergmann GmbH Model Plan;
- Kunstlerische Holzgestaltung Bergmann GmbH Proposed Site Plan (Drawing Number 1); and
- Kunstlerische Holzgestaltung Bergmann GmbH Sectional Model Plan

A payment of the £924.00 application fee has been sent separately via post or online transfer.

This covering letter is prepared on behalf of Hobbledown Ltd. and considers the planning potential for a water play area to the west of the Hobbledown site. This letter considers the proposal in the context of relevant planning history, known site constraints, planning policy and other material considerations where applicable.

### **Site Description**

Hobbledown Children's Farm is located on the outskirts of Epsom, on the west side of Horton Lane adjacent to the Horton Lane/McKenzie Way roundabout. Access to the site is via the Horton Lane/Abbots Avenue roundabout, the first part of which is shared with the David Lloyd sports centre. The whole of the site is in the Green Belt and forms part of Horton Country Park. Immediately to the north of the site on the opposite side of Bridleway 73 is Clarendon Park and to the east on the other side of Horton Lane are the shops and

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houses of Horton Hospital development and Livingstone Park. The site falls is located within a Flood Risk Zone 1 representing an area at the low risk of flooding. Regarding heritage there are no assets on site or within close proximity.

The application site falls entirely within Hobbledown Children's Farm, which is a farm-based visitor attraction aimed at families with younger children. The site was formerly a farm associated with the hospitals that was granted planning permission to become an agricultural/educational facility in 1985. The agricultural and educational use has evolved over time through various planning applications and since planning permission 11/00511/FUL (Annex 1) was granted in 2011 the farm underwent a major refurbishment and expansion when it changed from Horton Park Farm to the new Hobbledown attraction. It is now a fantasy-farm attraction and zoo comprising an indoor play barn, outdoor adventure play, animal zoo and petting farm.

The application site is immediately to the west of the existing Hobbledown Village play area.

### Planning History

Key planning history applicable to the site can be summarised as follows:-

LPA Ref. 85/0986 - Change of use of farm to use for agricultural/educational purposes. Approved October 1985.

LPA Ref. 86/1067 - Formation of vehicular access and parking area. Approved September 1986.

LPA Ref. 89/1394 - Extension to existing car park. Approved February 1990.

LPA Ref. 92/0100 - Extension of farm shop into adjacent former sand pit. Approved January 1993.

LPA Ref. 94/0251 - Erection of stable building for the sale of ice creams, as a first aid point and for the storage of animal fodder. Approved September 1994.

LPA Ref. 98/0220 - Extension to existing car park for visitors. Approved September 1998.

LPA Ref. 98/0724 - Erection of an open-fronted hay barn and new machinery shed and erection of a new barn suitable for demonstration, picnic and play area involving the demolition of old open-sided barn. Approved April 1999.

LPA Ref. 11/00511/FUL - Continued use of agricultural/educational farm as children's farm (sui generis) including extension to main barn, new entrance kiosk, replacement lean to barn, replacement kiosk, replacement of party/school rooms, relocation of play equipment, creation of new pond, additional landscaping, biodiversity improvements and new sensory/kitchen garden. Approved 9 December 2011. Decision Notice enclosed within Annex 1.

LPA Ref. 13/01184/FUL - Demolition of an existing kiosk and relocation and erection of a replacement kiosk building and the demolition of an existing hand wash facility and erection of a replacement toilet block building incorporating hand wash facility. Approved 14<sup>th</sup> February 2014.

LPA Ref. 14/00145/REM - Variation of Condition 3 (amplified sound) of permission 11/00511/FUL to allow the use of amplified sound without permanent Public Address Systems for children's entertainment activities within designated areas of the site subject to restrictions on audience capacity, hours of use and noise levels. Approved 28<sup>th</sup> July 2014.

LPA Ref. 14/00144/FUL - Creation of overflow car parking area and associated landscaping. Granted on appeal 2<sup>nd</sup> July 2015.

LPA Ref. 17/00988/FUL - Addition of timber and netting outdoor play structure. Approved 20<sup>th</sup> December 2017. Decision Notice and Officer Report enclosed within Annex 2.

LPA Ref. 19/01573/REM - Amendment to play structure permitted under 17/00988/FUL to provide new smaller play structure for younger children. Approved 16<sup>th</sup> March 2020.

## Proposed Development

It is necessary for Hobbledown to add new attractions on a regular basis in order to maintain visitor numbers, and provide new reasons for families to visit. The owners have identified that an outdoor 'splash' attraction is needed to provide an additional reason to visit in the warmer summer months, when visitors are encouraged to visit a mainly outdoor attraction like Hobbledown. Water play areas are becoming very popular outdoor attractions at farm parks in the UK, and are effectively an outdoor adventure playground with various water jets, tipping buckets and fountains, where the entire surface remains wet but has no standing water. It is considered that a water play area will be entirely appropriate at Hobbledown and will complement the existing outdoor play attractions.

The proposed development is for a new 'water play' area and ancillary equipment. The attached site location plan (reference: 1450-0001-02) shows the precise location of the proposed development measuring approximately 2805m<sup>2</sup> (0.28 hectares). The attached Model Plan, Model Section Plan and Proposed Site Plan produced by Kunstlerische Holzgestaltung Bergmann GmbH shows the proposed design for the Hobbledown water play area. The Hobbledown water play area will be different to a standard 'splash pad' and will be highly themed using materials to match the Hobbledown design.

The proposed development is split into four separate elements but will join together to make a unique themed attraction, which differentiates it from other water play attractions. The first area leading from the east is the proposed 'sand play' area which will have an array of interconnected water table troughs which allow children to manipulate the flow of water from one table to the next, observing the changes as they happen. This area will feature new play structures comprising of three wooden huts which are similar design to the rest of the existing play areas to the east. This will add continuity throughout the park in line with the established 'Hobbledown design'. These huts will have a compartment that children will be able to climb inside and explore, adding to visitor enjoyment.

Unlike other playground structures that are solid, static, and unmovable, sand and water have the ability to be used in an almost infinite amount of ways. This leads to both a focused solo type of play, as well as opening the door for other social interactions and collaborations. The water table acts as a focal point for children and adults to play, giving them the option to work together or pursue more individual play.

The proposed design will remain low lying with the highest point being 5.8 metres within the sand play area, which is a turbine located on top of one for the huts. The huts themselves will be constructed of natural timber materials and vary in height (2.2 m, 2.6m and 2.8m high) as the Kunstlerische Holzgestaltung Bergmann GmbH proposed site plan showcases (Drawing Number 1.0). A number of barrels and crates will be located across this area allowing children to climb and play. A series of benches and sitting areas will be located around the play area for parents to supervise children and relax.

The second area within the Water Play area is to the north of the sand play area. This area will have a netted climbing frame which will have a series of poles of varying height splaying outward offering support for other levels of netting for children to climb upon. The highest point being the central pole which is 3.8m high which is surrounded by lower levels of suspended bouncy netting.

The third and fourth play areas are the 'Pond' and 'Water Streams' area. For the avoidance of doubt this will not be a submersible amount of water and will not be an actual pond or stream, it will be designed to look like a pond and stream, but water levels will only be a few millimetres. It will have blue hardscaping to give the appearance of water. A series of splash pads will be located sporadically around this hardscaping, which will have nozzles that spray out onto the splash pad's rain deck which will be either textured non-slip concrete or crumb rubber painted blue, this can be seen in the Kunstlerische Holzgestaltung Bergmann GmbH Model Plan. The showers and nozzles will be controlled and activated by a motion sensor, to run for limited time in order to conserve water.

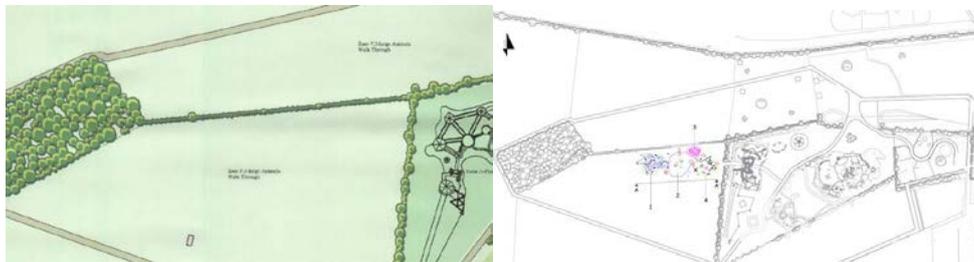
A splash pad is a zero-depth aquatic play area which produce little or no standing water on the water play area and the discharged water will be recirculated through the existing water system. Similarly, to other areas of the park, drainage will be dealt by connecting a series of swales leading to a pond located to the west of the proposed development. This is similar to how water has been dealt with for other areas of the park. These splash pads require no lifeguard supervision as they pose no more risk than standard dry-play playground equipment. These pads vary in height with the highest Splash Pad being 4.2m. Surrounding this area will be three fishing style huts surrounding the 'Pond' area which will have alcoves, crawl tunnels and platforms leading out onto the blue hardscaping to enhance the water play design.

The 'Water Streams' play area will have landscaping which will be 2 metres high which will encourage a maze like design. A series of paths will run through the area which lead to the most western part and the end

of the water play area. There will be different entry and exit points for children to run around and explore. Water spray pads will be located in this area shooting jets of water on the hardscaping from above ground. Centrally located within this area will be a timber tower structure rising to a height of 5.8m with a platform and connecting crawling tunnel leading to a different platform; this is similar to the existing play area to the east of the application site. At the eastern edge of the Water Streams area will be a slide which will have motion sensor splash pads shooting water onto the slide from the top of the slide.

A path already exists leading to the proposed water play area to allow for the easy flow of foot traffic through Hobbledown site. The proposed development will be in keeping with the existing Hobbledown design permitted within other play-grounds across site.

The Masterplan (plan 6773/50 Rev H) associated with the 2011 11/00511/FUL permission (Annex 1) shows that the application site falls within 'Zone F.5' of the site. Condition 19 restricts Zone F.5 to *'play activities and grazing only to take place in Zone F.5 on approved plan 6773/50 Rev H'*. Although this does not specify play equipment like in other areas shown on the masterplan (plan 6773/50 Rev H), Condition 19 does not specifically forbid play equipment on site, only that 'play activities' can only take place in this location. The proposed development will not only continue to allow the permitted 'play activities' within Zone F.5 but also enhance 'play activities' with the implementation of the new water play area. The proposed four different play areas will improve play activity within Zone F.5 and create a unique attraction for visitors to enjoy.



*Masterplan for Permission 11/00511/FUL and Proposed Site Plan for new Water Play Area*

## **Planning Policy Context**

Any proposed development must be judged against the relevant Development Plan and other government planning policy and guidance. Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 together require that planning applications should be determined in accordance with the statutory Development Plan unless material considerations indicate otherwise. For the purposes of this application the Development Plan comprises the Core Strategy (2007) and the Development Management Policies (2015). These plans together with other relevant policies are reviewed below.

### **Core Strategy (2007)**

The Core Strategy sets the overall planning framework for the Borough and contains a number of key strategic policies.

Policy CS1 is an overarching policy that relates to sustainable development and applies to all development. It states that the Council will expect the development and use of land to contribute positively to the social, economic and environmental improvements necessary to achieve sustainable development. Changes should protect and enhance the natural and built environments of the Borough and should achieve high quality sustainable environments for the present, and protect the quality of life of future, generations.

The proposed development will utilise an existing area within the visitor attraction which is already in use for outdoor recreation and 'play activities'. It will be of an exceptionally high-quality design that would follow the appearance of other play structures in Hobbledown. Which will continue the 'natural' appearance of other ancillary play structures. Economically the proposed development will diversify the attractions at Hobbledown which will aid business development. Socially, the water and sand play design encourage social interaction and collaboration with the water tables acting as a focal point for children and adults to play, giving them the option to work together or pursue more individual play. Environmentally the design will have low impact with

the scheme being open air and linking to a sustainable drainage system, this will be expanded upon later within the assessment.

Policy CS2 applies to the Green Belt. It states that “to ensure the Green Belt continues to serve its key functions, its existing general extent will be maintained and, within its boundaries, strict control will continue to be exercised over inappropriate development as defined by Government policy”.

No changes to Green Belt boundaries are proposed. The appropriateness of the proposed development within the Green Belt in the context of the National Planning Policy Framework is considered in assessment section.

Policy CS5 states that high quality and inclusive design will be required for all developments. Developments should create attractive, functional and safe public and private environments; reinforce local distinctiveness and complement the attractive characteristics of the Borough; make efficient use of land and have regard to the need to develop land in a comprehensive way.

The proposed structures comply wholly with this policy in terms of comprising a design that respects the character, scale and appearance of existing development. The structures have been designed to match the existing ‘Hobbledown’ character and theme, which is an exceptionally high quality, natural timber appearance. This will reinforce local distinctiveness and will make efficient use of land by enhancing ‘play activities’ occurring within this location.

Policy CS6 states that development should result in a sustainable environment and reduce, or have a neutral impact upon, pollution and climate change; for example, development should minimise the emission of pollutants, including noise, water and light pollution, into the wider environment; avoid increasing the risk of, or from, flooding.

The proposed development comprises of the erection of structures and works located within Flood Zone 1 (and is therefore not at risk of flooding from rivers or sea). A sustainable drainage system will be incorporated within the design which will mitigate any pollution using a UV water treatment system which will be expanded upon within the assessment section. As a piece of play equipment, it will have almost identical noise-generating characteristics to the existing play areas to the east, which have not caused any amenity issues previously. In regard to light pollution the proposed development does not incorporate lighting within the scheme.

Policy CS12 states that developers must be able to demonstrate that the service and community infrastructure necessary to serve the development is available. Where implementation of a development would create the need to provide additional or improved community facilities and infrastructure, or would exacerbate an existing deficiency in their provision, developers will be expected to make the necessary provision.

The visitor attraction is adequately served by existing community infrastructure. The proposed development is required in order to maintain rather than increase visitor numbers at the visitor attraction, and will not result in any increased demand or impact upon existing services or infrastructure.

Policy CS16 states that encouragement will be given to development proposals and management policies which foster an improved and integrated transport network and facilitate a shift of emphasis to non-car modes as a means of access to services and facilities.

The development will not itself have any direct impact upon the transport network since no additional visitor numbers will be generated.

### **Development Management Policies (2015)**

Policy DM1 (Extent of the Green Belt) states that ‘the Green Belt will be maintained along the boundaries of the existing built-up area and extending to the outer Borough boundary as defined in the Epsom and Ewell Borough-wide Local Plan 2000 and as defined in the successor Site Allocations Development Plan Document’.

Although the proposed development is within the Green Belt, the development does not intend to expand the Green Belt boundary. Policy DM6 (Open space provision) states that '*Development proposals should not result in the whole or partial loss of open space, outdoor recreation facilities or allotments unless:*

- *Accompanied by assessment that clearly demonstrates that the provision is surplus; or*
- *The proposal delivers replacement provision of equal or better quality within the locality; or*
- *The proposal is for new sports and or recreation provision, the needs for which clearly outweigh the loss.*

*We will ensure all new provision for sports and play meets qualitative standards and optimises accessibility to all users'.*

As the proposed development intends to implement an outdoor recreational facility in the form of a new water play area this will be in keeping with policy DM6. The appropriateness of the proposed development, in regard to the effect open space will be discussed in context with the Green Belt and National Planning Policy Framework which is considered in assessment section.

Policy DM10 (Design requirements for new developments) requires proposals to incorporate principles of good design with the proposed area being respected, maintained or enhanced. The first six criteria mainly relate to new housing developments, however the policy sets out that proposed development should be sustainability designed (vii), subject to aesthetic considerations (viii); incorporate the principles of safe design (ix); have regard to the amenities of occupants and neighbours, including in terms of privacy, outlook, sunlight/daylight, and noise and disturbance (x); ensures appropriate layout and access (xi); where appropriate their design and layout must not prejudice the development potential for similar proposals on neighbouring plots (xii); have regard to the public realm; avoid locating structures where they will be visually intrusive and likely to result in an adverse effect on the character and visual amenities of the local and wider area (xiii).

In regard to policy DM10 the proposed development does not conflict with any of the criteria stated above. Much of the parameters within this policy are set out within the assessment and in line with other design based policy above and below.

## **Other Material Considerations**

### **National Planning Policy Framework (February 2019)**

The National Planning Policy Framework (NPPF) sets out the planning policy guidance from central government to be used by all local authorities in England when preparing development plans and determining planning applications. A key principle underpinning the new national policy document is a presumption in favour of sustainable development.

With Sustainable development featuring heavily in the NPPF

The NPPF contains policy guidance for achieving sustainable development for a number of themes and topics, including: building a strong, competitive economy; supporting a prosperous rural economy; protecting Green Belt land; and conserving and enhancing the natural environment.

Paragraph 80 of the NPPF states: '*Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development*'.

Second, in supporting a prosperous rural economy, the NPPF states (Paragraph 84) that: '*planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements*'. The NPPF sets out that to promote a strong rural economy, planning policies and decisions should enable: the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; the development and diversification of agricultural and other land-based rural businesses; sustainable rural tourism and leisure developments which respect the character of the countryside.

The proposed development will contribute towards economic growth through helping to sustain jobs and economic prosperity at the local level and will benefit local businesses, communities and visitors. The Hobbledown business makes a valuable contribution to the local economy both directly and indirectly to other local businesses, and development that enhances the facilities on offer at Hobbledown should be supported. The proposed development will increase the sustainable growth and expansion of business to promote sustainable rural tourism and leisure developments which respect the character of the countryside.

Paragraph 127 sets out that planning policies and decisions should ensure that developments: a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The proposed development will not only function and add to the overall quality of the area of the existing tourist attraction but will also diversify the attractions available at Hobbledown (a). The design is in keeping with the existing aesthetic of the 'Hobbledown design' and will add continuity throughout the site thus creating a strong sense of place, reemphasising local character (criteria b, c and d). The proposed design will create an attractive, welcoming and distinctive place to visit and work. As there is no additional footfall from the proposed development there will be no negative effect on local facilities or transport networks (e). Being an outdoor water play area within an existing tourist site, the proposed play area will be safe and inclusive in line with the rest of the site. As it is a zero-depth water play area which produce little or no standing water and pose no more risk than standard dry-play playground equipment. The design promotes recreation and outdoor play activities which will improve the health and well-being of visitors (f).

In terms of protecting Green Belt land, the NPPF states that the essential characteristics of Green Belts are their openness and permanence (Paragraph 133). Paragraph 134 states that the Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (Paragraph 143). Paragraph 144 states that 'when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations'.

Paragraph 145 more specifically states that a 'local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are: b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it'.

As an outdoor recreational facility, the proposed development is therefore considered appropriate development in a Green Belt location, however this will be assessed at greater depth later in this letter. In regard to preserving the openness this will be assessed later within the assessment section.

## Main Assessment

This section sets out the case in support of the application through an assessment of its compliance with the provisions of the statutory development plan and other material considerations, including the policy of the NPPF.

Taking into account the relevant national and local planning policies, the main considerations for determining the acceptability of the proposed water play attraction relate to:

- a) The principle of the development;
- b) Parking and access;
- c) Amenity;
- d) Ecology;
- e) Landscape;
- f) Drainage; and
- g) Green Belt.

## The Principle of the Development

The proposed development is compliant with policies contained in the NPPF for economic development, which specifically supports the provision and expansion of tourist and visitor facilities in appropriate locations, where needs are not met by existing facilities. As established within the policy section of this letter the development does not conflict with policies with the Core Strategy (2007) and Development Management Policies (2015).

The proposed development site is within an existing, well-established visitor attraction, that is much loved by local residents and a significant community asset. Hobbledown already comprises of several outdoor play areas, educational experiences, adventure play, natural play and event areas. This area would be an extension to the attractions available at Hobbledown, which will add a distinctive new feature that will encourage outdoor recreation, and provide a new reason for visiting Hobbledown. The proposed development has a sympathetic design that is in keeping with the existing aesthetic of the 'Hobbledown design' and will add continuity throughout the site thus creating a strong sense of place. The water play area will have minimal effect on the environment and impact on the Green Belt. We address locational issues below concerning the acceptability of development within the application site area as well as the Green Belt.

## Parking and Access

As the applicant has found with other similar outdoor play installations, the proposed new play structure is unlikely to materially increase the total number of visitors or generate a significant amount of additional traffic. The proposal is intended to improve the offer of Hobbledown, increase length of stay and retain existing customers who may look to go elsewhere if the business doesn't evolve. Increasing length of stay will have the effect of increasing secondary spend at the site, which is the primary purpose of this development. This can be achieved without affecting traffic levels. This is well understood within the attractions sector. In addition, within the officers report for the 'Addition of timber and netting outdoor play structure' (17/00988/FUL) (Annex 2), which proposed a new play area to the park, the case officer considered that the 'proposed new play structure is not intended to increase the number of visitors, and Surrey County Council as Highway Authority has no objection to the proposal'. Therefore, it is not considered necessary to submit a Transport Statement with the application for a new Water Play area as there will be no material increase in footfall or impact on transport.

## Amenity

Hobbledown does not currently allow adults-only groups into the park, and nor does it intend to start doing so. Adults may only enter the park if they are accompanying a child and indeed this is stated as rule number one on the park's website. Hobbledown's main focus has always been, and will continue to be, on families with children up to the age of 14. The proposed play structure is very suitable for this age group and has been designed and proposed on that basis. Our client confirms that the structure is in fact intended to be used for parent/guardian supervised play most of the time. This is in line with how most of the play activities at Hobbledown are currently used.

As a piece of play equipment, it will have almost identical noise-generating characteristics to the existing play areas, which have not caused any amenity issues that we are aware of. Using the measuring tool on Google Earth (see below) the closest property to the proposed 'Water Play' area is some 170m away, whereas the closest property to the existing play area is 150m. Therefore, this proposed development will have no more of an effect on the surrounding amenity than the current situation.

In terms of visual impact, there is screening immediately to the north and east of the proposed site, as well as the vegetation on the southern edge of the residential units, which together will screen the water play area from the residents.



Proposed Water Play Approximately 170m from Nearest Property at Southview compared to the Existing Play Area Approximately 150m from Nearest Property on McKenzie Way

In the Officers Report (Annex 2) for application 17/00988/FUL (the play equipment approved in December 2017), the case officer considered 'that given the distance of at least 150m between the proposal and nearest dwellings within the Clarendon Park development together with existing landscaping between the two would mean that there would be only a minimal visual impact and that this would not in itself be harmful to the visual amenities of neighbouring occupiers'.

In the context of the 2017 decision, we consider that in terms of residential amenity, this site performs even better than the location of the previously installed play equipment, in terms of distance from receptors, intervening vegetation that will screen the development and the proposal itself is not as high. The proposed development does not intent to increase the capacity of Hobbledown but provide another attraction for the current amount of visitors to enjoy within Hobbledown. Therefore, there will be a minimal increase in the noise already occurring on site. The proposed development complies with Policy DM10 and Policy CS6 in respect of its impact on amenity, and no noise survey would be required.

## Ecology

In regard to ecology, Sam Barker (RPS Ecologist) was commissioned by Hobbledown Farm to undertake a Preliminary Ecological Appraisal (PEA) of the application site and its surroundings. This comprised a desk study, Phase 1 Habitat Survey (Drawing Number: ECO1598-3.2) and an ecological scoping survey which assessed the potential of the site to support species of conservation concern or other species which could present a constraint to the development of the site. The following ecological points were raised in the supporting PEA.

The Phase 1 Habitat Survey identified that the site was predominantly an amenity grassland field. A native species-rich hedgerow was present along the northern boundary, with juvenile trees along the south of the site. A bark based zipwire and bare ground footpath were present to the east of the site. The closest designated site is Horton Country Park Site of Nature Conservation Importance (SNCI) approximately 0.09 km from site.

The habitats on site provide some potential to support protected and notable species including birds, foraging and commuting bats, Invertebrates, and badgers, however much of this habitat related to the native rich hedgerow to the north of the application site, which is considered of moderate ecological importance.

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The proposed development does not propose the removal of this hedgerow. Much of the remaining habitats are of low ecological importance as seen in table 4.1 of the PEA.

The only species that required further research and surveying were Great Crested Newts (GCN). A total of eight ponds were identified within 250 m of the site boundary. A GCN Habitat Suitability Index (HSI) survey of the four ponds on site identified that one pond, Pond 1, to the east of the site provided *Average* suitability for GCN (see attached Ecology Pond Locations Plan Drawing Reference: ECO1598-3.3). The other three ponds were all assessed as providing *Poor* suitability for GCN. Following advice from the ecological consultant it is recommended that a GCN eDNA survey is undertaken on the Pond 1 that was identified as being of *Average* potential to support GCN. We will be undertaking a GCN eDNA survey in April which will be complete by an ecologist. Currently we are submitting the application without the GCN eDNA survey with the intention that the results of this survey can be provided during the determination of the application.

No other protected species surveys were recommended but mitigation and enhancement measures have been provided. The mitigation measures include: timing of vegetation removal to avoid the nesting bird season, however if required vegetation will be checked first by a suitably qualified ecologist to ensure no active nests are present (any active nests would be left in place along with a 5 m buffer around the nest until the young had fledged). The enhancement measures include providing bird boxes within the site.

Following evaluation and potential impacts the ecologist sets out that the habitats present on site were common and widespread and that no additional surveys required other than the GCN survey. The PEA also states that there would be no impact on any of the statutory or non-statutory designated sites as a result of the proposal, and good practice guidance would be adhered to during the clearance and construction phases of the development.

### Landscape

The proposed play structures will be located within a site that has not been designated for any special environmental value and there are no landscape designations. Due to the location of the proposal (within the farm attraction, next to existing development and screened by existing hedging to the north and east of the site) and the fact that it is not in a protected landscape, we do not believe it necessary to submit a Landscape and Visual Impact Assessment.

### Drainage

The site is in Flood Zone 1 and is below the required 1-hectare threshold for a Flood Risk Assessment. The proposed development is unlikely to cause other issues downstream and surface water will be managed by a sustainable drainage system similar to the rest of the site, with a series of swales leading to the surrounding Ponds located around the site as seen on the attached Ecology Pond locations (Reference: 1598-0005-01).

The water supply system uses the clean domestic water supply system and is a self-contained closed system. Relatively low quantities of water are used as the entire system is based on low volume sprays, with no areas of standing water. The sprays and other features are activated by sensors, which starts a water pump. The area beneath a spray pool will have drain openings will collect and recycle the water to reduce water wastage. The water goes through a UV (ultraviolet) water treatment system and will be recycled back into the spray mechanism, and thereby killing bacteria in water to ensure the safety of users. The system will release clean water occasionally into the swale sustainable drainage system.

### Green Belt

We consider that there are three fundamental planning issues which need to be addressed in determining the acceptability of the proposed development within the Green Belt. These are:

- Whether the development is inappropriate development in the Green Belt; and if so,
- Whether it harms its openness and/or conflicts with any of the purpose of the Green Belt; and if so,
- Whether there are other considerations which outweigh the harm identified to the Green Belt, and any other harm, meaning that very special circumstances exist.

## Whether Development is Inappropriate?

Paragraph 145 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. However, an exception to this is: *“the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation...as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.”* It is the Applicant’s view that the proposed development is a facility for outdoor recreation, which forms part of a larger outdoor recreation facility.

It is worth noting that the proposed development is associated with Hobbledown farm park and is not, by definition, inappropriate development, as it is considered to fall into the category of *“appropriate facilities for outdoor recreation”* as indicated by the Planning Inspector.

An appeal decision relating to a farm park/adventure park development at Hobblers Heath Children’s Zoo and Adventure Park, a development proposed by the Applicant and located in the London Metropolitan Green Belt (appeal reference APPF5540/W/16/3160453, April 2017) confirmed that this is the case. In this appeal, the Inspector stated (noting that the paragraph numbers refer to the 2012 version of the NPPF):

*“Within the context of the appeal, the Council now maintains that ancillary structures associated with these uses, such as ticket booths, viewing platforms, animal shelters/huts, play and climbing equipment, would be buildings which in themselves would be inappropriate development. Having regard to these latter structures, Framework paragraph 89 notes that appropriate facilities for outdoor sport and outdoor recreation are not inappropriate providing they preserve the openness of the GB and do not conflict with the purposes of including land within it. In my view these ancillary structures would be requisite and appropriate facilities to support the uses which are in themselves not inappropriate GB uses and would not materially affect GB openness.” (Paragraph 11).*

As the proposed structures represent the provision of facilities ancillary to the permitted use of the site as a Children’s Farm attraction, which is an outdoor recreational facility in the Green Belt, they should be regarded as an exception, and be deemed appropriate new-build development within the Green Belt taking into account the Appeal judgement and the provisions of Paragraph 145 of the NPPF (second bullet point) for *“appropriate facilities for outdoor recreation”*.

In addition, the Officers Report for planning permission ref: 17/00988/FUL (the addition of timber and netting outdoor play structure, which is similar to the current proposal), took a similar view to the Hobblers Heath inspector, noting that Planning Policy in the NPPF allows for:

*‘provision of appropriate facilities for outdoor sport, outdoor recreation... as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it’.*

In making reference to this, the case officer was quoting from an earlier version of the NPPF but policy has not changed on this issue.

In summary, given the proposal’s ancillary nature to the main use of the land and since it would provide *“appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport [or] outdoor recreation”* (Paragraph 145(b) of the NPPF), we are of the view that the proposed water play area will fall under this exception to inappropriate development in the Green Belt and thus would not be inappropriate development.

On balance, therefore, we consider that the development proposed is not inappropriate development.

## Whether it harms Openness and Conflicts with any Purpose?

To fall within the exception in NPPF Paragraph 145(b), we need to demonstrate that there is no harm to the openness of the Green Belt and to its purposes. We deal with each in turn.

### ***Harm to the Openness of the Green Belt***

The NPPF sets out that 'The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence' (Paragraph 133).

In terms of openness, the extent to which development keeps land permanently open is a matter of fact and degree, and the word 'openness', which is not defined in the NPPF or statute, is to a large extent subjective. It may be regarded as being the absence and/or the degree of absence of built development and/or other urbanising features associated with development including development and uses of land which impact upon openness through the presence of man-made objects/features. It is also clear that policy objective of Green Belt policy relates to spatial planning, rather than landscape or visual impact which are separate considerations and fall into the 'any other harm' rather than Green Belt harm category for the purposes of Green Belt policy.

The proposed water play is not a solid structure. It does not close in or remove an open part of the Green Belt. The Inspector in the Hobbles Heath appeal considered that play and climbing equipment would not materially affect Green Belt openness, and we consider that this conclusion is entirely appropriate here.

The effect of the proposed development on the Green Belt is less than the play equipment previously approved. Condition 6 of permission 11/00511/FUL (Annex 1: the December 2011 permission for the continued use of Hobbledown as a farm park) states: 'No part of the timber play structures shall exceed a height of 7 metres above the existing ground level with the exception of the turret housing the zip wire launch platform, which shall not exceed a height of 9.5 metres above the existing ground level'. The proposed development will not be in excess of the 7 metres as permitted within this permission. The highest point of the proposed water play park will be only 5.8 metres and therefore would fall well within the acceptable parameters for this site.

It is also worthy of note that the highest point within the approved 2017 permission for new play equipment (17/00988/FUL) was more than double what is proposed in the current application, being 11m. Although this related to the central wooden pole that supported surrounding netting, the other structures rose to 9.25m at their highest point. Therefore, the proposed development is well below the height of structures that have been previously permitted on site and in the Green Belt.

With the proposed development being low lying and providing outdoor recreational facilities that are open air, we consider that this water play area and its associated equipment would have no material harm upon the openness of the Green Belt.

### ***Conflict with the Five Green Belt Purposes***

Paragraph 134 of the Framework identifies that the Green Belt serves five purposes;

- To check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The policy objective of the first purpose of the Green Belt is to control the extension or 'sprawl' of large built up areas into the Green Belt through a presumption against such development. In this regard, the proposal would not lead to an extension of the built up urban area as the Hobbledown site does not have the appearance of being part of the built-up area and the proposed development does not in itself have the appearance of development associated with the built-up area, being distinctly of a character associated with the existing outdoor visitor attraction. The continued use of this site for outdoor play, and as a viable farm attraction business, will help to protect this part of the Green Belt, so in that respect it supports this purpose. The Proposal would not, therefore, be harmful to the Green Belt in this regard.

The policy objective of the second purpose of the Green Belt is to prevent neighbouring towns from merging. In this regard, the proposed development is not located in a part of the Green Belt that will result in two

towns merging. It also falls entirely within the existing farm attraction. The Proposal would not, therefore, be harmful to the Green Belt in this regard either.

The third purpose of the Green Belt is to safeguard the countryside from encroachment. In this regard, again as the proposed site is located within an existing visitor attraction, and the proposal falls entirely within its boundaries. It will replace an existing play area (currently zip wire) with a low lying, open air water play area which is allowed under recreational facilities under 'appropriate facilities for outdoor recreation' (paragraph 145). The Proposal would not, therefore, be harmful to the Green Belt in this regard.

The policy objective of the fourth purpose of the Green Belt is to preserve the setting and special character of historic towns. In this respect having regard to the distance between the proposal and the nearest historic towns and their assets, and given the nature and scale of the development and its location within the wider enterprise which it would be seen against, it is considered that the proposed development would not be harmful.

The policy objective of final purpose of the Green Belt is to assist urban regeneration by ensuring that the Green Belt is not developed at the expense of sites within urban areas which are able to deliver the development. In this respect, the proposed development is only required at the site in order to maintain visitor numbers at an existing farm park attraction. There is no scope for the development to serve this purpose outside the site, and as such, it is in no way harmful to the Green Belt in this regard.

It is considered that the proposal does not conflict with any of the five purposes that the Green Belt is considered to serve as set out in Paragraph 134 of the NPPF.

In summary, the siting and appearance of the play structure would not have a material impact on the openness of the Green Belt. It would not have any impact on the five purposes of including land within the Green Belt. Because of this, the development meets the criteria set out in Paragraph 145(b) and is not inappropriate development. There is no reason, therefore, to consider whether very special circumstances exist.

### **Whether there are Very Special Circumstances?**

As stated above, as the development is not inappropriate development in the Green Belt, it is not necessary for very special circumstances to exist. Without prejudice to this position, the applicant is of the view that even if the development was considered to be inappropriate in the Green Belt, 'Very special circumstances' exist because the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

We have already set out that there is no harm to openness or the Green Belt purposes. Even if the Council were to disagree with that, for the reasons we have set out above any harm that does exist would be negligible, or nil. We do, however, need to look at any other harm, and then consider if there are any other considerations that would weigh in favour of the development.

### **Other Harm**

We have not identified any other harm associated with the proposed development, which is located within a well-established visitor attraction with similar play equipment adjacent. We have reviewed in detail above the potential for any harm above, covering transport, amenity, ecology, landscape and drainage and have not identified any other harm.

The proposed development is not harmful in any other way. We consider that the following 'other considerations' weigh in favour of the proposed development.

### **Need for the Development**

It is well established that visitor attractions require frequent investment in new attractions in order to maintain visitor numbers. The proposed development is necessary to sustain the business.

The proposed development is an investment at the site that is required in order to maintain visitor interest in the site and hence visitor numbers rather than increase them. In this respect, it should be noted that all visitor attractions operate within a highly competitive sector of the economy which is essentially based upon discretionary spending with many alternative attractions chasing a limited amount of available customer expenditure. Visitor attractions, such as Hobbledown, rely to a large extent on repeat custom and therefore need to provide their customer base with new reasons to visit, to retain visitor interest. In addition, as a family attraction Hobbledown needs to ensure that interest is retained across all age groups. Consistent investment in new attractions is, therefore, imperative to maintain visitor numbers in the longer term. Without the proposed development, visitor numbers would be expected to fall significantly.

The proposed development intends to diversify the attractions available at Hobbledown children's farm. Water based facilities have proven very popular at other family attractions and the lack of water-based play at Hobbledown is a disadvantage. This type of attraction is popular in summertime and will allow visitors to cool off and enjoy playing in the water play area. This will allow visitors to remain on site for longer and provide the site with a new attraction and therefore provides business development.

Hobbledown Children's Farm provides 117 jobs and makes a valuable contribution to the local economy both directly and indirectly to other local businesses. The increased dwell time for visitors which will lead to additional employment at the park, whether that be new jobs or improved existing jobs.

The proposal will also increase business spending in the local area with suppliers to service the increased length of stay. There will also be a multiplier effect in the local economy based on the spending of the business, its staff and suppliers.

## **The Balancing Exercise**

In accordance with paragraph 144 of the Framework, in order to demonstrate very special circumstances it is necessary to demonstrate that there are that there are considerations which are 'countervailing benefits arising from the development'<sup>1</sup> that clearly outweigh the potential harm to the Green Belt and any other harm.

In respect of very special circumstances case law has established that:

- a) The 'other considerations' only have to clearly outweigh the harm to the Green Belt and any other harm. They do not need be 'other than common place i.e. they do not need to have to be rarely occurring.'<sup>2</sup> and
- b) The countervailing benefits which clearly outweigh the harm to the Green Belt and any other harm may be considered together rather than individually.<sup>3</sup>

For the reasons set out above the harm to the Green Belt identified as a consequence of the proposed development is at most negligible.

There is no other harm attributable to the proposed development.

Whilst any harm to the Green Belt must be given substantial weight in the balancing exercise, the countervailing benefits associated with the development to the needs of the business to invest in outdoor attractions, job protection and creation and the benefits to local economy, clearly outweigh the limited harm to the Green Belt. Accordingly, very special circumstances have been demonstrated, and the proposal complies with the policy outlined within the NPPF.

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<sup>1</sup> See Paragraph 29 - *R (Wildie) v Wakefield Metropolitan BC* [2013] EWHC 2769 (Admin)

<sup>2</sup> See Paragraph 29 - *R (Wildie) v Wakefield Metropolitan BC* [2013] EWHC 2769 (Admin)

<sup>3</sup> See Paragraph 31 - *River Club, R (on the application of) v Secretary of State for Communities and Local Government & Anor* [2009] EWHC 2674)

## Conclusion

This planning application is for the creation of an outdoor water play area at Hobbledown Children's Farm. The proposed development is compliant with policies contained in the NPPF for economic development, which specifically supports the provision and expansion of tourist and visitor facilities in appropriate locations, where needs are not met by existing facilities. As established within the policy section the development does not conflict with policies in the Core Strategy (2007) or Development Management Policies (2015).

Although the proposed development is located within the Green Belt, it does not constitute inappropriate development (it would fall within the category of appropriate outdoor recreation facilities in Paragraph 145(b) of the NPPF) unless it is considered to impact upon the openness of the Green Belt or the Green Belt purposes. In this context, given its small scale and sympathetic appearance the proposed development would have no material impact upon the openness of the Green Belt, and given its location within the visitor attraction would not be harmful to any of the purposes of the Green Belt. The proposed development has a maximum height of 5.8 metres which is under what has previously been approved within a Green Belt location at this site under applications 11/00511/FUL and 17/00988/FUL.

The proposed development has a sympathetic design to the surrounding built environment and landscape setting, being in keeping with the existing aesthetic of the 'Hobbledown design' and will add continuity throughout the site thus creating a strong sense of place. The proposed development will create an attractive, welcoming and distinctive place to work and visit. The water play area will function well and add to the overall quality of the surrounding area, which is a play park for children. Being an outdoor water play area the proposed design is also safe, inclusive, accessible, promotes health and well-being and encourages community cohesion and resilience.

It is widely recognised that visitor attractions need to periodically invest in new attractions in order to maintain visitor interest, footfall and expenditure. In this context, the proposed development is required in order to maintain visitor numbers and increase length of stay (and therefore spending). The proposed development is necessary to sustain the viability of the visitor attraction and the consequences of planning permission being refused would be an inability for the attraction to invest in new facilities which would impact on its ability to attract visitors, sustain jobs and reduce its role in the local economy. Accordingly, if the proposed development is judged to be inappropriate development, in the balance of considerations, the countervailing benefits of the proposed development clearly outweigh the harm to the Green Belt. In this scenario, very special circumstances would exist.

No other issues have been found which would suggest that planning permission should not be granted. The proposal is acceptable in accordance with both the provisions of the relevant development plan, and the government's planning policy as set out within the NPPF.

I trust this information is enough to enable the Council to validate the application, but please do get in touch if you require any further information.

In the meantime, if you have any queries, please do not hesitate to contact me.

Yours faithfully,

for RPS Consulting Services Ltd



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cc: Nick de Candole

Annex 1 - Copy of the Decision Notice for Application 11/00511/FUL

Annex 2 - Copy of the Decision Notice and Officer Report for Application 17/00988/FUL