

# Planning Statement in support of S73 Application for Revised Opening Times at Hobbledown Farm

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Hobbledown Children's Farm Horton Lane, Epsom,  
Surrey KT19 8PT

On behalf of Hobbledown Ltd

# laister

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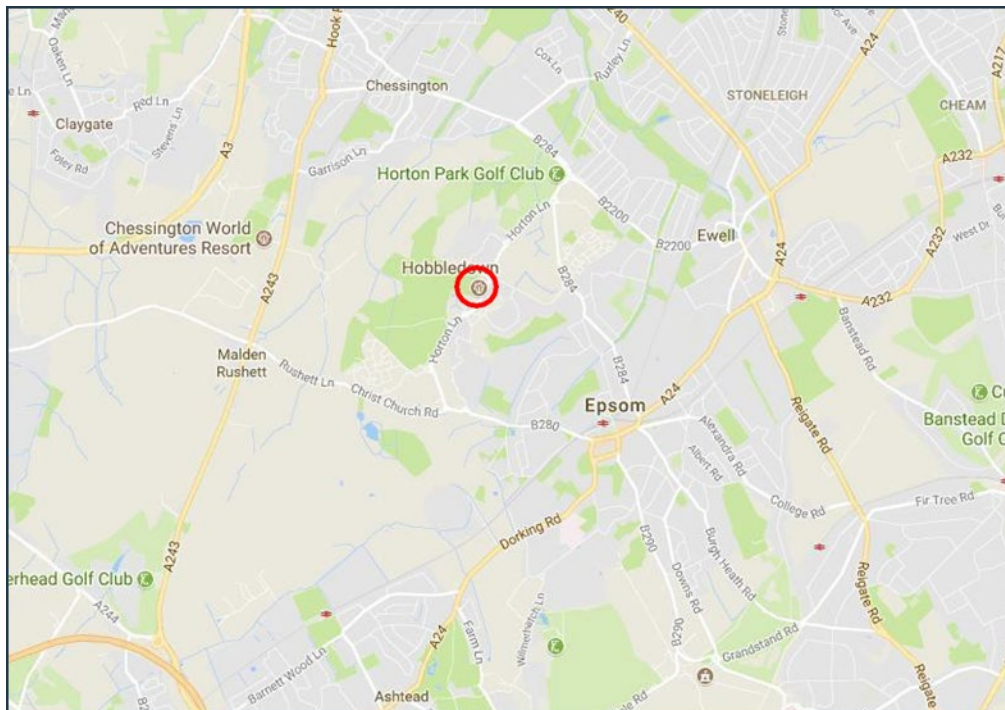
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# 1. Introduction

- 1.1. Laister Planning Ltd has been instructed by Hobbledown Ltd, the owners of Hobbledown Children's Farm, Horton Lane, Epsom to submit a Section 73 planning application for the variation of condition 2 of planning permission 11/00511/FUL.
- 1.2. Permission 85/0505/FUL was granted in October 1985, establishing the site as a children's educational attraction known as Horton Park Children's Farm. The site has since expanded with the gradual introduction of new facilities and attractions including the addition of numerous play structures, utility buildings and animal housing. Permission 11/00511/FUL was granted in December 2011, allowing for the expansion and improvement of the existing visitor attraction following Hobbledown Limited's acquisition of the park.
- 1.3. A number of conditions were attached to the 2011 permission which included amongst others, a condition to restrict the hours that the premises can open to the public. This Planning Statement has been prepared in respect of a Section 73 planning application seeking permission to vary condition 2 of planning permission 11/00511/FUL to allow for an extension of the opening hours of the premises to the public.
- 1.4. The site has drawn attention from the Epsom & Ewell Borough Council's planning enforcement department and matters of perceived breaches of planning control at the site, including the breach of condition 2 of 11/00511/FUL, have been clarified in emails from Mehdi Rezaie (Head of Development Management (Interim)) on the 12th and 18th August 2021.
- 1.5. The application is submitted in retrospect and seeks to address a breach of condition 2 of planning permission 11/00511/FUL that has occurred; in that as from 15th June 2020 Hobbledown has been opening at 8:30am instead of 9am.
- 1.6. The application is considered vital to the continued safe and successful future operation of Hobbledown Children's Farm. Initially in response to the COVID pandemic the site has been operating 4-hour sessions due to the need to cap visitor numbers, with a limited number of people allowed in each session. To ensure that the attraction can accommodate the number of people necessary to remain viable during the pandemic, it has been necessary to open at 8:30 for the first session.
- 1.7. We set out the planning considerations relevant to the proposed extended opening hours in this Statement in the context of relevant planning policies and other material considerations. Section 2 describes the site and its relationship to the wider area and any relevant planning history. Section 3 contains a brief description of the proposed development. Section 4 outlines the relevant planning adopted planning policy context and the proposal will be assessed in Section 5 and conclusions drawn in support of the proposal in section 6. This will show that the proposal complies with the relevant policies in the statutory development plan and there are no material considerations that would prevent planning permission being granted.

## 2. Site Description and Context

- 2.1. Hobbledown Children's Farm is a family attraction comprising of a fantasy themed adventure park and zoo with indoor and outdoor children's play areas and apparatus on a site of approximately 13.3 hectares. A 1,300sqm (14,000sqft) play barn contains two themed indoor play frames, while the outdoor areas contain tunnels, mazes, role play areas, giant sandpits, a zip wire, 400+ animal zoo, birds of prey shelter and petting farm, and children's play structures.
- 2.2. Hobbledown is located on the outskirts of Epsom and the edge of Horton Country Park, approximately 3.2km (2 miles) from Epsom Town Centre. It lies south of Ewell and Chessington, and is within the M25, around 8.05km (5 miles) north of Junction 9. Access to the site is via the Horton Lane/Abbots Avenue roundabout, the first part of which is shared with the David Lloyd Leisure Centre.



- 2.3. Hobbledown is located entirely within the Green Belt. Horton Country Park, a local nature reserve of 400 acres borders Hobbledown to the west and south. Additional housing is located to the north whilst the land to the northeast is agricultural land. Immediately to the north of the site on the opposite side of Bridleway No.73 is Clarendon Park, and to the east on the other side of Horton Lane are the shops and houses of the Horton Hospital development.
- 2.4. Since it was first established as a children's educational attraction in 1985, the Farm Park (formally known as Horton Park Children's Farm) has gradually added to its range of facilities and attractions, including the addition of numerous play structures, utility buildings and small animal housing; most recently the addition of a birds of prey shelter (approved December 2020).

## Planning History Summary

- 2.5. The site has been subject to a number of planning consents since the mid-1980s relating to the evolution of the site. The most significant of these are listed below.

Planning Ref.:	Summary of Proposed Development	Decision
85/0505/FUL	Change of use of farm for agricultural/educational purposes	Approved Oct 1985
86/0561/FUL	Formation of vehicular access and parking area	Approved Sept 1986
89/00795/FUL	Extension to existing car park	Approved 15.02.90
92/00100/FUL	Extension of farm shop into adjacent former sand pit	Approved 23.04.92
94/00251/FUL	Erection of stable building for the sale of ice creams, as a first aid post and for the storage of animal fodder	Approved 08.09.94
98/00220/FUL	Extension to existing car park for visitors	Approved 10.09.98
98/00724/FUL	Erection of open fronted hay barn & new machinery shed, and erection of a new barn suitable for demonstration, picnic and play area involving demolition of old open sided barn	Approved 08.04.99
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 (amended description)	Approved 09.12.11
11/01328/COND	Details pursuant to conditions 13 (travel plan), 16 (method of construction), 17 (sustainability measures), 22 (cycle parking) and 23 (visitor management plan).	Approved 28.06.12

11/01394/NMA	Revision of entrance kiosk layout and revised floor layout. Re- use of existing playrooms and new barn (6773/71D) not being constructed	Approved 01.06.12.
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 14.02.14
13/00499/FUL	Roof canopy extension to main barn, to provide covered space for existing outdoor eating area	Approved 16.10.13
14/00144/FUL	Creation of overflow car parking area and associated landscaping	Application refused 28.07.14 then granted at appeal 02.07.15.
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 28.07.14.
14/00146/REM	Variation of Condition 20 of 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) to remove the reference to Zone F.7 on the approved plan 6773/50 Rev H	Application refused 28.07.14 then granted at appeal 02.07.15.
17/00988/FUL	Addition of timber and netting outdoor play structure	Approved 20.12.17
18/00044/FUL	Siting of eight animal shelters (retrospective)	Approved 15.06.2018

18/00141/FUL	Use of land for the siting of one canvas yurt and one timber clad tepee	Approved 04.07.2018
18/00154/FUL	Erection of bird of prey shelter.	Refused 03.07.18
19/01573/FUL	Amendment to play structure permitted under 17/00988/FUL to provide new smaller play structure for younger children	Approved 16.03.2020
19/01691/FUL	Development of a bird of prey shelter	Approved 10.12.2020
21/00230/COND	Details pursuant of the discharge of condition 3 (Materials), Condition 4 (Landscaping) and Condition 6 (SuDs) of planning permission 19/01691/FUL	Approved 23.03.2021



### 3. The Proposal

3.1. As noted above a number of conditions were attached to the 2011 permission which included amongst others, a condition to restrict the hours of opening of the site to the public.

3.2. Condition 2 of 11/00511/FUL:

*The premises shall not be open to the public outside the hours of 09:00 and 19:00 except on Friday and Saturday when internal areas and external areas marked Zone E.4, Zone H, Zone I and Zone K on approved plan 6773/50 Rev H shall be additionally be permitted to open until 20:00.*

*Reason To safeguard the amenities of neighbouring occupiers as required by Policy DC1 of the Local Plan (May 2000).*

3.3. In light of Government advice relating to the COVID pandemic, the site undertook a risk assessment which highlighted a number of measures that needed to be implemented to ensure that DEFRA guidance in relation to social distancing and safe operation during the pandemic could be adhered to. One of which has meant that Hobbledown Ltd has had to cap overall visitor numbers and operate visitor sessions, managed through online bookings, to ensure it can keep its staff and visitors safe. As part of this operational arrangement the site has been opening at 8:30am to the public to assist the safe arrival of visitors and entrance into the park, whilst looking to maintain viability of the business.

3.4. As it is likely that the UK will be living with Covid for the foreseeable future, and potentially permanently, Hobbledown intends to permanently change its operating system to a sessions-based approach to enable it to manage the number of people on site at any one time. A number of other farm attractions have introduced similar systems, as this approach is now becoming the norm.

3.5. The earlier opening time results in the site operating in breach of condition 2 of 11/00511/FUL. The application therefore seeks retrospective permission to vary the wording of condition 2 to allow for a slightly earlier opening time of the site to the public. The following revised wording for condition 2 is therefore proposed:

*The premises shall not be open to the public outside the hours of 08:30 and 19:00 except on Friday and Saturday when internal areas and external areas marked Zone E.4, Zone H, Zone I and Zone K on approved plan 6773/50 Rev H shall be additionally be permitted to open until 20:00.*

*Reason To safeguard the amenities of neighbouring occupiers as required by Policy DM 10 of the Epsom & Ewell Development Management Policies Document 2015.*

3.6. The revised wording of the condition would allow for extended hours of opening to the public, allowing the site to continue offer a safe environment for both visitors and staff alike; sustaining the operation of the much valued visitor attraction.

## 4. Relevant Planning Policy Context

- 4.1. 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.
- 4.2. For the purpose of this application and development management decisions, the Epsom and Ewell adopted Development Plan comprises of the Core Strategy, adopted in July 2007, and the Development Management Policies Document (DMPD), adopted in September 2015. A review of the Local Plan is underway, and preparation Epsom and Ewell Local Plan 2017–2037 has commenced. However, this is at an early stage and further very much focussed on housing growth and is therefore not relevant to this current application.

### Development Plan

#### Core Strategy 2007

- 4.3. Policy CS1 of the Core Strategy expects 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 environment and should achieve high quality sustainable environments for the present and protect the quality of life of future generations.
- 4.4. Core Strategy Policy CS2 seeks 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.
- 4.5. In respect of Open Space, Core Strategy Policy CS4 sets out the Council's ambitions and aims for the protection and enhancement of open space provision; stating: *'...The required quantity and range of open spaces will be rigorously maintained, and focus will be given to the creation and maintenance of an accessible network of green spaces within the built-up area of the Borough. The Council will endeavor to address any shortfalls in provision of defined open space types and will seek opportunities to enhance the quality of existing open spaces where necessary, and improve access to them. Development which results in a deficit of open space provision will not be permitted'*. Policy DM6 (Open Space Provision) of the DMPD further addresses open space provision and states that proposals should not result in the whole or partial loss of open space, outdoor recreation facilities or allotments.

#### Development Management Policies Document 2015 (DMPD)

- 4.6. Policy DMI (Extent of the Green Belt) of the DMPD sets out 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. The policy reflects national; policy guidance in that the main purpose of the Green Belt is to prevent urban sprawl and the coalescence of neighbouring settlements by keeping land permanently open.

- 4.7. Policy DM10 (Design Requirements for New Developments) of the DMPD states that development proposals will be required to incorporate good design. The most essential elements identified as contributing to the character and local distinctiveness of a street or an area which should be respected, maintained or enhanced include, but are not limited, to the following:
- Prevailing development typology, including house type, sizes, and occupancy;
  - Prevailing density of the surrounding area;
  - Scale, layout, height, form, massing;
  - Plot width and format which includes spaces between buildings;
  - Building line build up, set back, and front boundary; and
  - Typical details and key features such as roof forms, window format, building materials and design detailing of elevations, existence of grass verges etc
- 4.8. In respect of residential amenity Policy DM10 further seeks to safeguard residential amenities in terms of privacy, outlook, daylight/sunlight and, noise and disturbance.
- 4.9. Policy DM 34 (New Social Infrastructure) of the DMDP states planning permission will be given for new or extensions to existing social infrastructure on the basis that:
- a) It meets an identified need;
  - b) It is delivered, where practicable, in multi-use, flexible and adaptable buildings or co-located with other social infrastructure uses which encourage dual use and increase public access;
  - c) It is in a location that is accessible by public transport, walking and cycling;
  - d) It is of high quality design providing inclusive access for all;
  - e) It does not have a significant adverse impact on residential character and amenity; and
  - f) It makes an appropriate provision for on-site car parking, access to public transport, cycling and walking, and the effect on traffic movement and highway safety is in accordance with Policy CS16.

## **Other Material Considerations**

### **National Planning Policy Framework (July 2021)**

- 4.10. At the national level planning guidance is contained in the NPPF and the Planning Practice Guidance (NPPG). In July 2021, the Government issued a revised National Planning Policy Framework (NPPF), which sets out the Government's planning policies for England and how these should be applied. The NPPF is a significant material consideration in planning decisions. Paragraph 2 states that:

*"Planning law requires that applications for planning permission be*

*determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions.”*

4.11. A presumption in favour of sustainable development is at the heart of the NPPF and is to be seen as the golden thread running through both plan making and decision-taking (paragraph 11). For application decisions this means:

- c) *“approving development proposals that accord with an up-to-date development plan without delay; or*
- d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
  - i. *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
  - ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*

4.12. Paragraph 8 states Paragraph 8 states that there are three overarching objectives to achieving sustainable development: an economic objective; social objective; environmental objective. The proposal development is sustainable judged against these objectives (for reasons that we expand upon in the subsequent section).

4.13. In looking to achieve well-designed places the NPPF (para. 130) advises 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.

- 4.14. The application site lies within the Green Belt, to which the Government attaches great importance. 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.
- 4.15. Paragraph 138 sets out the five purposes the Green Belt serves:
- 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.*
- 4.16. NPPF, paragraph 145 explains that once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide opportunities for outdoor sport and recreation and to retain and enhance landscapes.

## 5. Planning Assessment

- 5.1. The site is a well-established business and visitor attraction, that contributes to the local economy and general vitality of the area, employing some 137 staff including volunteers and seasonal workers. The site has expanded adding new attractions over the years which has contributed to its success and allowed it to remain competitive within the industry.
- 5.2. The COVID pandemic has had a significant impact on everyone, and businesses have had to adapt in difficult times both to be in a position to operate safely for its customers and staff alike, but also to retain the ability to operate viably.
- 5.3. Research carried out by 'VisitEngland' (Visitor Attraction Trends in England 2020 - Full Report, August 2021) found that: *'Overall, attractions in England reported a -65% annual decrease in total visits from 2019 to 2020, driven by the COVID-19 pandemic'*. 1 in 10 visitor attractions stated that they were closed or had no visitors in 2020; and further, that over a third of the remaining attractions were unable to open for their typical visitor seasons following the lifting of national restrictions. This was highlighted as being in part due to difficulties in meeting the requirements to open safely during the pandemic.
- 5.4. The report continues to highlight that: *'The average reduction in admissions in order to comply with new safety and social distancing regulations was 46% of 2019 maximum capacity. To manage this nearly three in four sites needed to introduce additional measures, for example online booking'*. And further that a large majority (86%) of attractions put additional health and safety measures in place, including: the provision of hand sanitiser, enhanced cleaning regimes, enforced social distancing and contactless check-in/payments being the most common'.
- 5.5. In responding to the COVID pandemic Hobbledown Ltd (the business), in line with other visitor attraction sites has had to adapt its working practices, which has included the extension of the opening hours to the public. It should be noted that this has not increased capacity, but merely accommodates a capped number of visitors over a slightly increased time period.
- 5.6. Whilst restrictions have eased, COVID remains a threat and businesses will be expected to retain COVID safety measures for the foreseeable future. In common with most other visitor-based businesses, the business has no plans to withdraw its health and safety policies, and these will continue in the interests of health and safety (and also to comply with risk assessments, insurance conditions and the Health and Safety at Work Act).
- 5.7. The NPPF contains policy guidance for achieving sustainable development for a number of themes and topics, including: sustainable transport, building a strong, competitive economy; supporting a prosperous rural economy; protecting Green Belt land; conserving and enhancing the natural environment.
- 5.8. In terms of promoting a sustainable economic environment the NPPF (para. 81) states that: *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. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.*

- 5.9. Further, that decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside; also enabling the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship (para. 84).
- 5.10. The supporting text to DMDP Policy DM34 policy states that: '*...the provision and retention of our community facilities is integral to achieving sustainable communities*'. Further that open spaces, which include outdoor sport and recreation facilities, can also provide an essential leisure asset for the community.
- 5.11. The existing site contributes towards economic growth through supporting sustainable tourism in the area and providing significant employment opportunities. The site also provides social benefits to visitors and the local community alike, through the provision of leisure and recreation and educational facilities. The extended opening hours facilitate the business to continue to operate efficiently and safely, and constitute an improvement to an established facility; which in turn will benefit local businesses, the community and visitors in line with both local and national policy guidance.
- 5.12. The original condition restricting opening hours was imposed in the interests of the sustaining the amenity of neighbouring residential properties; with residential properties to the east and north of the site. In this regard Policy DM10 of the DMPD requires new development to incorporate principles of good design and to have regard to the amenities of occupants and neighbours, including in terms of privacy, outlook, sunlight/daylight, and noise.
- 5.13. The operation of the site has previously been considered acceptable in terms of potential impacts on residential amenity of nearby properties. The activities that take place on site are not considered to result in significant intrusive noise levels and the slight extension of opening times is unlikely to give rise to any further adverse impacts above current circumstances.
- 5.14. The proposals would not result in any significant increase in the number of visitors to the site, merely spreading out the timing of arrivals and departures to the site; controlled through the online booking system. The access to the site is not in close proximity to residential properties, and properties are unlikely to be significantly affected by vehicles accessing the site at the slightly earlier time in any greater degree than current circumstances.
- 5.15. In terms of traffic movements, it is noted that the adjacent leisure centre to the south of the site operates between 6am – 11pm Monday to Friday and 7:30am – 10pm. Whilst the two sites share the same access off the adjacent highway (Horton Lane) given that the proposals would not result any additional vehicle movements, merely distributing movements over a slightly increased time period, it is considered unlikely that there would be any significant impacts on the operation or access arrangements for either site as a result of the proposals.

- 5.16. Overall, in terms of potential impacts on amenity the proposed revised opening times will have no substantial material impact on either existing or future occupiers' amenity of neighbouring land uses, hence the proposal is fully in accordance with Policy DM10.
- 5.17. In terms of potential impacts on the Green Belt, the principle of the use of the site is established. The proposals would not introduce any new operational development or change the use, as approved, of the site. Whilst the proposed revised opening times would result in visitors being able to access the site 30min earlier than originally approved, the proposed amended hours would not have any direct impact on the extent of the Green Belt. It is considered by allowing extended opening times neither the aims nor provisions of either national or local green belt policy would be compromised; preserving the openness and general amenity of the Green Belt.



## 6. Conclusion

- 6.1. The proposed variation to condition 2 of 11/00511/FUL is considered to result in development that would remain compliant with the Statutory Development Plan and other material considerations, including the NPPF, which requires the planning system to do everything to support sustainable economic growth.
- 6.2. The use of the land and site is established and provides both social and economic benefits through the provision of sustainable tourism opportunities including outdoor recreational facilities; promoting a healthy lifestyle and learning opportunities for the younger generation, and attracting visitors to the area. In addition to the primary use of the site visitors to the attraction may further use other services within the area, including hotels, restaurants, shops and other local services and facilities, to the further benefit of the local economy and community.
- 6.3. The proposals would not be to the detriment of the visual amenities of the site, residential amenity or highway safety and would not have a detrimental impact on the openness or character of the Green Belt.
- 6.4. Through the variation of the opening time condition, the site will be able to continue to operate in a safe and appropriate way that promotes sustainable tourism and a healthy active outdoor lifestyle; supporting the continued successful operation of the established business, as both a valuable community facility and a sustainable tourist attraction.
- 6.5. As we have demonstrated in this Planning Statement, the amended opening hours look to support the continued operation of the site, providing a suitable and safe environment for visitors and staff alike. The proposals support the continued sustainable operation of the site in the line with the provisions and aims of both local and national policy guidance. Accordingly having regard to the relevant development plan, the provisions in the NPPF and all other material considerations, we conclude that the proposed development should be granted.