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**TOWN & COUNTRY PLANNING ACT 1990**

**REFUSAL OF OUTLINE & FULL PLANNING  
PERMISSION**

**Proposal:** Hybrid planning application for the redevelopment of Sandown Park Racecourse involving:

Outline application for development/redevelopment of sections of the site to replace/modify existing operational/associated facilities, and to provide up to 150 bedroom hotel (Use Class C1), family/community zone, residential development up to 318 units (Use Class C3) and to relocate existing day nursery (Use Class D1), all with car parking, access and related works following demolition of existing buildings and hardstanding (for access only).

Full application for the widening of the southwest and east sections of the racecourse track including associated groundworks, re-positioning of fencing, alterations to existing internal access road from More Lane and new bell-mouth accesses serving the development.

**Applicant:** Jockey Club Racecourses Limited

**Location:** Sandown Park Racecourse Portsmouth Road Esher Surrey KT10 9AJ

The decision of Elmbridge Borough Council on the application registered as valid by the Council on 22/02/2019 and described above is to **Refuse Outline & Full Planning Permission** for the reasons set out below:

- 1 The proposed development represents inappropriate development in the Green Belt which would result in definitional harm and actual harm to the openness of the Green Belt and it is not considered that the very special circumstances required to clearly outweigh the harm to the Green Belt and any other harm, including impact on transport (highway and public transport capacity), air quality and insufficient affordable housing provision, have been demonstrated in this case. The proposed development by reason of its prominent location would be detrimental to the character and openness of the Green Belt contrary to the requirements of the NPPF, Policies CS21 and CS25 of the Elmbridge Core Strategy 2011, Policies DM5, DM7 and DM17 of the Elmbridge Development Management Plan 2015.

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- 2 It has not been demonstrated that the level of residential development and hotel proposed could be designed without resulting in an adverse impact on the character of the area, in conflict with Policies CS9 and CS17 of the Elmbridge Core Strategy 2011, Policies DM2 and DM12 of the Elmbridge Development Management Plan 2015, the Design and Character SPD 2012 and the NPPF.
- 3 In the absence of a completed legal agreement, the proposed development fails to secure the necessary contribution towards the affordable housing contrary to the requirements of Policy CS21 of the Elmbridge Core Strategy 2011 and the Developer Contributions SPD 2012.
- 4 Due to the lack of a legal agreement to secure a financial contribution towards the long-term management plan of Littleworth Common SNCI, the proposed development is likely to result in adverse impact on biodiversity contrary to the Policy CS15 of the Elmbridge Core Strategy 2011, Policy DM21 of the Development Management Plan 2015, the requirements of the NPPF 2019 and the Developer Contributions SPD 2012.
- 5 Due to the lack of a legal agreement to secure a financial contribution towards the accessibility improvements at Esher Railway Station and monitoring fee associated with the Travel Plans, the proposed development would result in adverse highway and transport implications in the local area of Esher. As such, the proposed development is contrary to the aims of Policy CS25 of the Elmbridge Core Strategy 2011, the requirements of the NPPF 2019 and the Developer Contributions SPD 2012.

Informative:

- 1 **COMMUNITY INFRASTRUCTURE LEVY (REFUSAL)**  
Notwithstanding the above reason(s) for refusal the applicant is advised that the Local Planning Authority has adopted the Community Infrastructure Levy (CIL) on any planning application determined after 01 April 2013. This is a non-negotiable land charge based on per sqm of development (internal gross floorspace). In the event of an appeal situation this planning application will likely be liable for CIL, further details of which can be found on the Council's website at [www.elmbridge.gov.uk/planning/cil-process](http://www.elmbridge.gov.uk/planning/cil-process)



Head of Planning Services

Date: 03 October 2019

**N.B. THE ATTENTION OF THE APPLICANT AND AGENT IS DRAWN TO THE FOLLOWING INFORMATIVES WHICH PROVIDE IMPORTANT INFORMATION.**

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### **STANDARD INFORMATIVES – GUIDANCE FOR APPLICANTS**

#### **Approval of details reserved by conditions**

Attention is drawn to the conditions that have been attached to the planning permission together with the reason for their imposition. Particular attention is drawn to those conditions that require the submission of further information to the local planning authority and its approval of such further information before building works commence. In the case of a reserved matters approval you must also take account of the conditions imposed on the outline permission.

#### **Appeals to the Secretary of State**

If you are aggrieved by a decision to refuse permission or to grant it subject to conditions you can appeal to the Planning Inspectorate. Appeals can be made using a form which you can get online at: [gov.uk/planning-inspectorate](http://gov.uk/planning-inspectorate). If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

Appeals must be made on the correct form relating to the type of application you submitted. Information provided as part of the appeal process will be published online. Only the applicant has the right of appeal. In some circumstances the Planning Inspectorate may refuse to consider an appeal.

- If this is a decision on 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.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and 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 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.
- If this is a decision to refuse planning permission for a householder application, 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.
- If this is a decision to refuse planning permission for a minor commercial application, 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.
- If you want to appeal against your local planning authority's decision and it doesn't fall into any of the above categories, then you must do so within 6 months of the date of this notice.
- The Secretary of State can allow a longer period for giving 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

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the statutory requirements, to the provisions of any development order and to any directions given under a development order.

- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by the Secretary of State.
- 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 at: [gov.uk/planning-inspectorate](http://gov.uk/planning-inspectorate)

### **Purchase notices**

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a 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 requiring them to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990 (as amended).

### **Positive and proactive engagement**

The National Planning Policy Framework requires local planning authorities to work with the applicant in a positive and proactive manner to resolve problems before the application is submitted and to foster the delivery of sustainable development. This requirement is met within Elmbridge through the availability of pre-application advice.

### **Local plan**

The above decision makes reference to the Core Strategy and the Development Management Plan. Should you wish to read the wording and content of any of these policies, the documents can be viewed online at: [elmbridge.gov.uk/planning/planning-policy](http://elmbridge.gov.uk/planning/planning-policy)

### **Site notice**

In the interests of protecting the character of the environment, please remove any planning notice that may have been displayed on the site of the application.