

**APPENDIX 3 - LATE REPRESENTATION FROM NOVA LATCHMERE FOR THE
BENEFICIARY - April 2026**

[REDACTED]

[REDACTED]

uk>

[REDACTED]

Subject: Westcott NDP – Representation: Riverbank Surgery

Dear Sir or Madam,

My client, [REDACTED], is the freehold owner of Riverbank Surgery, which is held within a pension structure. The building is currently occupied by Dorking Medical Practice.

By way of factual background:

- The previous lease expired in February 2021, and no formal lease has been put in place since.
- The current occupation is therefore unsecured.
- The rent (£[REDACTED] per month) has not been formally reviewed since 2018 and has not been agreed through NHS England or the District Valuer.
- The NHS has never contacted the owner directly regarding the property.
- The owner has never been contacted by the Village Forum, the Council, or their agents in relation to the Neighbourhood Plan, nor received any formal consultation documents, nor been asked for his views or consent.
- The owner first became aware of the proposed designation on 2 April 2026.

The owner is himself a former GP [REDACTED]

Against that background, I wish to be clear that my client fully recognises the importance of local healthcare provision and does not object in principle to the appropriate safeguarding of valued facilities.

However, the treatment of Riverbank Surgery within the Plan gives rise to serious concerns in respect of fairness, proportionality, and the robustness of the underlying evidence.

1. Dual designation under WNDP6 and WNDP7

Riverbank Surgery appears to be the only property within the Plan area subject to safeguarding under both WNDP6 and WNDP7.

In combination, these policies create an exceptional and disproportionate restriction on a single private asset, going materially beyond the approach applied to comparable facilities.

There is no clear or compelling evidence base to justify this dual designation.

2. Absence of landowner engagement

The owner has had no engagement whatsoever in the preparation of these policies which is surprising given they relate to his property.

In circumstances where a private asset is being subjected to unusually onerous and potentially value-suppressing policy constraints, the absence of any direct consultation or engagement with the landowner is, to my mind, a significant procedural failing.

3. Lack of secured and deliverable use

The current use is not secured by any lease or legal mechanism and has not been since February 2021.

National policy requires that planning designations are realistic and deliverable. In this instance, the Plan seeks to safeguard a use that is not secured and may not be capable of being secured on reasonable commercial terms.

4. Influence of third-party interests

It is apparent that the inclusion and positioning of the surgery within these policies has been influenced by the current occupier and associated development interests, who have a clear commercial interest in both the existing site and potential alternative provision elsewhere.

It is not appropriate for the Development Plan to place significant and enduring constraints on a privately owned asset in circumstances where the policy approach has been driven by parties with a vested interest and without engagement with the landowner.

5. Reliance on speculative future provision

Reference has been made to the potential relocation of the surgery linked to enabling development.

However, no planning permission has been granted, no funding secured and no delivery timetable established. The owner has not been approached or involved in any such proposal.

It is not reasonable for the Plan to constrain an existing asset based on a speculative future scheme.

6. Disproportionate impact on value

The practical effect of the proposed policy framework is to materially suppress the value of the property.

The building has been valued as a dwelling in the region of [REDACTED], whereas offers linked to its continued use as a surgery, from the current occupier I might add, have been significantly lower (at circa [REDACTED]).

This stark differential illustrates the extent to which the policy approach risks placing an undue and disproportionate burden on a single private landowner.

Requested modifications

In light of the above, I respectfully request that the Examiner considers the following modifications:

1. That Riverbank Surgery is not subject to safeguarding under both WNDP6 and WNDP7;
2. That any safeguarding policy is applied in a proportionate and consistent manner with comparable uses;
3. That explicit recognition is given to circumstances where the continued use of a facility is not secured by a lease or other legal mechanism;
4. That the policy is amended to avoid reliance on speculative future provision in assessing the acceptability of change.

I trust these comments are helpful and would be pleased to provide any further information if required.

I would be grateful if you could confirm safe receipt of this representation.

Yours faithfully,

[REDACTED]

[REDACTED]

NOVA
LATCHMERE

[REDACTED]



Examiner

Ir [REDACTED] Limited

By email only

**Westcott Neighbourhood Development Plan (WNDP)
Riverbank Surgery (the Property)**

We are instructed by Standard Life Trustees Company Limited (**SLTC**).

SLTC is the registered freehold owner of the Property which is held by SLTC as part of a Self-Invested Personal Pension (**SIPP**) arrangement. A SIPP gives a wide discretion to its member (ie the beneficiary of the pension) to manage the asset.

Policy WNDP7 of the WNDP would designate the Property as a community asset which is safeguarded for its existing use.

Despite being a registered company, with its address being readily discoverable at Companies House, SLTC was not consulted in relation to the WNDP under regulation 14 and was not put on notice of the proposed safeguarding designation relating to the Property.

The policy, if made, would adversely affect a trust asset held for the benefit of the SIPP beneficiary and it is imperative that they are given sufficient opportunity to make representations.

For the avoidance of doubt SLTC as freeholder did not, and does not, consent to the safeguarding designation relating to the Property in the WNDP.

Yours faithfully

Womble Bond Dickinson (UK) LLP

Womble Bond Dickinson (UK) LLP

Examiner

Our ref:

By Electronic Submission Only

12th May 2026

RE: Westcott Neighbourhood Development Plan Review

On behalf of our client, , we write to provide our comments in relation to the examination of the draft Updated Westcott Neighbourhood Development Plan ("the Plan") pursuant to Schedule 4B to the Town and Country Planning Act 1990.

Introduction

These submissions address whether the Plan, and in particular proposed Policy WNDP7, satisfies:

- the "basic conditions" under paragraph 8(2) Schedule 4B TCPA 1990;
- the procedural and legal requirements applicable to neighbourhood planning; and
- national policy and guidance.

It is submitted that proposed Policy WNDP7 fails the statutory tests and should either:

1. have the proposed changes deleted; or
2. be materially modified before the Plan can proceed.

Previous representations have been made in relation to the site at Riverbank Surgery. These representations relate to land ownership, failure to engage with the appropriate stakeholders, legal and financial implications of the Plan as proposed, and process.

We wish to make it clear to the examiner that our client was not contacted during the preparation of the draft Updated Westcott Neighbourhood Development Plan. They only became aware of the material revisions to the Plan following the submission for examination. Once they became aware they submitted the previous representations as a matter of urgency to raise their concerns with regard to process. They have subsequently asked us to review the matter and consider the soundness of the proposed changes.



This representation raises new concerns with regard to the relevant statutory tests, as referenced above, and so we would respectfully request that the Examiner accepts our comments as part of their examination of the Plan [REDACTED]

Policy Context

The Westcott Neighbourhood Development Plan (WNDP), prepared by Westcott Village Forum, was first adopted on 23 November 2017. The plan period covered between 2017 and 2026. The WNDP was designed to balance marginal growth with protection of the village's rural character and landscape setting in the Surrey Hills National Landscape (formerly known as the Surrey Hills Area of Outstanding Natural Beauty).

The WNDP set out that the policies contained within the plan had been designed following needs assessment from a variety of sources, including a survey of village residents and businesses. As a result, the WNDP set out its aims as follows:

- Maintaining the character of the village through development style and redevelopment of the land within the existing village core to grow the stock of housing to meet the needs of the aging population
- Create additional leisure facilities and improve connectivity with the open countryside surrounding the village
- Maintaining retail, commercial and community facilities where viable

Following the adoption of The Mole Valley Local Plan 2020-2039 on 15 October 2024, the Westcott Village Forum began updating the WNDP for a new period running to 2039. On 4 February 2026, the amended draft Westcott Neighbourhood Plan was submitted by Mole Valley District Council for independent examination to test whether the submitted neighbourhood plan meets the basic conditions and other matters set out in Paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).

The Westcott Village Forum set out that the updated WNDP policies are focused on helping to provide appropriate housing within the village and premises for appropriate business needs and community requirements.

In 2025 the Village Forum distributed a Community Survey, containing questions around housing, the Green Belt, shops and services, business development, facilities and amenities, community issues, roads, health, well-being and social issues, parking, travel, sustainability and climate change. A housing needs survey, prepared by Surrey Community Action, was distributed at the same time.

The Westcott Village Forum confirm that just 28% of households within the Plan area participated in the Community Survey. They say as a result of the responses, the updates to the policies seek to give much greater weight to the views of Westcott Village through the results of the Community Survey.

Proposed Policy WNDP7

Our key concerns with the Plan relate to the proposed changes to Policy WNDP7 and its failure, as currently drafted, to meet the basic conditions under paragraph 8(2) Schedule 4B TCPA 1990.

By the Westcott Village Forum own admission within its Modification Statement, the proposed policy updates are "... considered material changes modifications which do change the nature of the Plan, requiring an examination and referendum."

[REDACTED]



Mole Valley District Council has compared the policies in the made Plan. The Council confirms that the changes go beyond material modifications and the nature of the Plan is more extensive in scope. Notwithstanding that the [REDACTED] Statement in the Plan, the Council also c [REDACTED]

The Examiner confirms in their letter dated 9th February 2026 that *"Having assessed all the written documents submitted, including the representations and relevant statements, I believe that the modifications proposed in the draft Plan are both material and change the nature of the made Plan."*

In light of the above, it must be accepted that there are changes proposed that change the very nature of the Plan. The appropriate test in relation to the proposed changes to Policy WNDP7, when having regard to Schedule 4B to the Town and Country Planning Act 1990, is whether the proposed changes meet the basic conditions and accords with national policies and advice contained in guidance published by the Government.

The current adopted Plan shows Policy WNDP7, as set out below:

6.7.2. Policy WNDP7: Enhancement of Community Facilities

WNDP7: Proposals for the provision and maintenance of flexible, accessible and modern community facilities will be supported, where they would help to maintain and extend the vibrant social, sporting, recreational, and educational activities in the Plan area.

The subtext to Policy WNDP7 is set out at Paragraphs 6.7.1 to 6.7.6. At 6.7.3 the Plan sets out the justification for Policy WNDP7, which states:

"Justification: Westcott is a village of around 2,300 residents with 8 principal community facilities:

- Surrey Hills Church of England Primary School
- Holy Trinity Church
- The Reading Room
- The Hut
- St John's Community Centre
- The Sports Club (cricket and football)
- Faurefold (Guiding Association retreat)
- Riverbank Surgery"

At Paragraph 6.7.5 the Plan states *"Over the next 10-15 years some of these facilities will require significant financial investment in order to remain usable. It is anticipated that there may be opportunities to enhance, re-provide and create new facilities in accordance with the identified needs of the survey. In any new development, research into occupancy and usage of existing facilities would be carried out to ensure that there was no loss of capacity for activities."*

The paragraph does not contain any commitment or policy mechanism that *safeguards* the continued use, retention, or protection of the facilities. Instead, it is accepting that the some of these facilities will require significant financial investment in order to remain usable.

The original version of Policy WNDP7 is a positive and enabling policy focused on supporting the provision and maintenance of *"flexible, accessible and modern community facilities"* in order to sustain and expand social, recreational, sporting, and educational activity within the area. Its emphasis is on adaptability and



modernisation. The policy seeks to enhance particular assets rather than preserve particular buildings or sites.

The proposed wording

WNDP7: The following community assets, as shown on the Policies Map (Fig 4 below), are safeguarded for their existing use:

- Holy Trinity Church
- The Village Hall
- Cradhurst Recreation Ground
- The Village Green
- Riverbank Surgery
- St John's Chapel and The Westcott Village Hub
- The Sports Club
- Surrey Hills All Saints School
- Faurefold

Proposals for the provision and maintenance of flexible, accessible, energy efficient and modern community assets will be supported, where they would help to maintain and extend the vibrant social, sporting, recreational, and educational activities in the Plan area and where they comply with national and local Green Belt policy.

The change of use of existing community assets to other uses will not be supported unless:

- Any partial loss of the site/floorspace will not undermine the viability of the asset;
- The asset is surplus to requirements or there is no reasonable prospect of the existing use continuing;
- An alternative asset of equivalent or better quality or scale is available nearby or will be re-provided nearby or the use will be provided in a different way serving the same community; and
- The property has been marketed for a minimum period of twelve months on reasonable market terms with a recognised agent for alternative community uses without success.

By contrast, the revised version fundamentally changes the purpose of the policy by introducing a restrictive safeguarding context for a list of specified community assets. Instead of simply supporting community provision, it seeks to protect existing facilities from a change of use through a series of tests, including viability assessments, proof of surplus status, replacement requirements, and a mandatory twelve-month marketing exercise. This shifts the policy from one that enables community facility enhancements to one that prioritises the retention of existing assets.

In doing so, the revised policy risks undermining the original objective of flexibility and modernisation. Protecting assets "for their existing use" may prevent adaptation, consolidation, relocation, or redevelopment that could better serve current and future community needs. The requirement to retain outdated or underperforming facilities unless extensive evidence is provided discourages innovation and investment into the village and may obstruct the delivery of more sustainable community infrastructure.

This wording is significant because it can already be evidenced that the Riverbank Surgery's physical unsuitability as a modern GP surgery is a matter of consistent and contemporaneous record across the surveyors, the medical practice itself, the village association, the Patient Participation Group, the Joint Working Party, and national NHS policy. It is therefore inappropriate for WNDP7 to safeguard the building "for its existing use as a community asset" as if its continued use as a surgery in perpetuity were viable.



The surgery commissioned its own Market Valuation Report dated 25th February 2022 which was prepared by a RICS-qualified valuer and expressly states that older properties such as Riverbank are "*no longer fit for purpose*" and that d [REDACTED] t Appendix 1).

On 10th December 2019 the Hut Reading Room Westcott Magazine set out at page 1 that the Riverbank Surgery "*... is neither ideally located, nor does it meet modern NHS specifications*" (enclosed at Appendix 2). This supports the fact that the building is physically unsuitable. This single document, written by the chair of the Joint Working Party in concert with DMP, contradicts every premise on which WNDP7 safeguarding of Riverbank Surgery rests.

On 2nd March 2020 the Hut Reading Room Westcott Magazine confirmed that by spring 2020 the medical practice itself was committed in principle to leaving Riverbank for a purpose-built replacement — and that the only NHS support given was "*preliminary*," conditional on hurdles never subsequently cleared (enclosed at Appendix 3).

The evidence in the pack enclosed establishes a record — from 2019 to 2025 — that Riverbank Surgery is a converted four-bedroom domestic house that does not meet modern NHS specifications, that its tenancy expired in February 2021 and has not been renewed, and that no alternative surgery site has been secured. This record was generated, in significant part, by the medical practice itself and by the community Joint Working Party (in concert with DMP). It cannot now be set aside or re-characterised to support a safeguarding designation under WNDP7 that the building is, on the evidence, demonstrably not suited to bear.

As recently as 5th May 2026, the Westcott Village Forum set out within their representation to the Examiner that in both plans (the adopted and the proposed update), Policy 7 relates to the enhancement of community facilities. But as set out above that simply is not the case. They are fundamentally different in their wording, objectives and implications. They also suggest that the Draft Plan does not rely on speculative future provision. But, of course, it does because the wording specifically seeks to safeguard speculative development by controlling the potential for a change of use.

The Westcott Village Forum has demonstrated that it is not only aware that the site at Riverbank is not suitable to meet the modern NHS specifications but that also there are plans to relocate it and develop the site. They state within their representations dated 5th May 2026 that "*we believe the most recent plans were shared by Rushmon Homes with many others, including the residents of Rokefield, MVDC and the WVA.*" (a copy of which is available on the examination pages). These Plans include the provision of a new surgery. As such, as currently worded, the policy proposed by the Westcott Village Forum would actually prevent enhancement of facilities to the community.

The revised policy also introduces Green Belt compliance directly into the wording, further narrowing the supportive approach of the original policy. Overall, the revised policy changes the focus from supporting community activities to preserving existing sites and buildings. As a result, it risks creating stagnation rather than enabling the flexible and modern community provision that the original policy was intended to encourage.

Compliance with the Basic Conditions

The updated WNDP is accompanied by a Basic Conditions statement. In order for MVDC to adopt the WNDP, the Examiner must be satisfied that the plan is in general conformity with the existing Local Planning Policy and the National Planning Policy Framework (NPPF). This criteria of alignment must be met for the WNDP to succeed.





The Plan is also supported by a Consultation Statement that explains the process of engagement with local residents and other stakeholders and how their comments have informed the final plan.

The revised version of [REDACTED] to the basic conditions, particularly the requirement that a neighbourhood plan must have regard to national policy, contribute to the achievement of sustainable development, and be in general conformity with the strategic policies of the development plan for the area, which as set out above is the Mole Valley Local Plan 2020–2039. As currently proposed, it is fundamentally inconsistent with the strategic framework and objectives of the Mole Valley Local Plan 2020–2039 and therefore fails to satisfy the basic conditions prescribed by paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990.

First, the policy conflicts with the overarching spatial strategy embodied within the Mole Valley Local Plan 2020–2039, including the strategic objectives underpinning Policy S1 (Spatial Strategy and Distribution of Development). The Mole Valley Local Plan adopts a balanced and inherently flexible approach, seeking to safeguard valued community assets whilst enabling sustainable growth, adaptation, modernisation, and regeneration over the plan period to 2039. The revised WNDP7 as currently drafted departs entirely from that approach. By requiring community assets to be safeguarded “for their existing use”, and by imposing extensive and onerous restrictions upon alternative uses or redevelopment, the policy elevates preservation above adaptability. In doing so, it introduces a rigidity which is plainly at odds with the strategic and sustainable development objectives of the development plan as a whole.

Second, the policy is inconsistent with the Local Plan’s objectives concerning the provision and maintenance of community infrastructure. The strategic framework supports the enhancement, modernisation, accessibility, and long-term viability of community facilities and services. Crucially, the Local Plan recognises that community needs evolve over time and that infrastructure must be capable of responding accordingly. The revised WNDP7, however, prioritises the retention of existing premises irrespective of whether those premises continue to represent the most effective, accessible, sustainable, or viable means of delivering community services. The practical consequence is that the policy risks impeding the consolidation, relocation, replacement, or redevelopment of outdated facilities, even where proposals would secure materially superior community outcomes through improved accessibility, enhanced environmental performance, or greater financial sustainability.

Third, the revised policy conflicts with the Local Plan’s objectives relating to sustainable development and the efficient use of land. The cumulative effect of the twelve-month marketing requirement, together with the additional tests relating to surplus status and continuing viability, is to create a substantial and unnecessary barrier to redevelopment and adaptive reuse. Such an approach risks sterilising land and buildings which could otherwise contribute positively toward wider strategic objectives, including regeneration, accessibility improvements, environmental enhancement, and sustainable patterns of development. Whereas the Local Plan promotes flexibility, resilience, and the efficient use of land, WNDP7 adopts an unduly restrictive and preservation-led approach which may frustrate otherwise sustainable forms of development from coming forward.

Fourth, the insertion of additional Green Belt restrictions within WNDP7 gives rise to a further and significant policy conflict. Green Belt considerations are already addressed through national policy and the strategic policies of the Local Plan. The introduction of additional Green Belt qualifications within a policy concerned with community infrastructure serves only to duplicate and intensify existing restrictions beyond those set out within the NPPF

Taken cumulatively, these matters demonstrate that the revised WNDP7 is not in general conformity with the strategic policies of the Mole Valley Local Plan 2020–2039 and does not adequately contribute to the

[REDACTED]



achievement of sustainable development. Rather than supporting flexibility, adaptability, and the efficient delivery of community infrastructure, the policy imposes a restrictive safeguarding regime directed primarily toward the preservation of existing facilities and uses, irrespective of questions of suitability, viability, deliverability, or wider public benefit.

Furthermore, the policy as drafted represents a fundamentally new restriction and bears no resemblance to the 2017 policy. It introduces a new category of "*safeguarded existing community asset*", a prohibition on change of use of named buildings and a new evidential burden on the freeholder. All of these are unnecessary and a departure from the objectives of the NPPF. The NPPF, at Paragraph 98(c), requires protection only against unnecessary loss and only where the loss would reduce day-to-day needs. The 2026 WNDP7 imposes blanket protection regardless of whether either condition is satisfied. NPPF and Paragraph 98(d) requires that established facilities are able to develop and modernise. Furthermore, at paragraph 99 the NPPF makes clear that planning policies and decisions should consider the social, economic and environmental benefits of estate regeneration.

In light of the above, we set out below how the proposed policy wording fails to satisfy the basic conditions prescribed by paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990:

Basic Condition (a): Regard to national policy and guidance

Proposed Policy WNDP7 appears inconsistent with the NPPF's support for sustainable development, flexibility, and the efficient use of land. As set out in detail above, the policy imposes disproportionate restrictions on redevelopment and duplicates existing Green Belt controls, creating unnecessary barriers to sustainable proposals.

Basic Condition (d): Contribution to the achievement of sustainable development

The policy prioritises preservation of existing uses over the delivery of modern, accessible, energy-efficient, and financially sustainable community facilities. The extensive safeguarding and marketing requirements risk preventing sustainable redevelopment and regeneration opportunities.

Basic Condition (e): General conformity with the strategic policies of the development plan

Proposed Policy WNDP7 conflicts with the strategic objectives of the Mole Valley Local Plan 2020–2039, including Policy S1, which promotes flexibility, adaptability, sustainable growth, and the efficient delivery of infrastructure. The policy adopts an unduly rigid preservation-based approach inconsistent with the Local Plan's strategic framework.

Basic Condition (g): Compliance with prescribed conditions and matters

The policy risks creating uncertainty and duplication through excessive safeguarding criteria and additional Green Belt restrictions beyond those already contained within national and Local Plan policy.

Accordingly, the revised WNDP7 is incapable of satisfying the basic conditions and is therefore unsound.

Conclusion

In conclusion, it has been set out that the proposed revision to Policy WNDP7 is incapable of satisfying the basic conditions prescribed by paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990. The revised policy has fundamentally shifted away from that adopted in 2017. Instead, it introduces a materially different and substantially more restrictive safeguarding regime directed toward the preservation of existing facilities and uses, irrespective of questions of suitability, viability, deliverability, or wider public benefit.



The effect of the revised wording would actually prevent the modernisation, relocation, redevelopment, or replacement of community infrastructure, even in circumstances where such change would plainly secure enhanced and [REDACTED] respect, the policy is fundamentally inconsistent with [REDACTED] Valley Local Plan 2020–2039, the NPPF and, indeed, the overarching statutory requirement that neighbourhood plans contribute to the achievement of sustainable development.

That conflict is particularly acute in relation to Riverbank Surgery. The documentary record set out above demonstrates that the existing premises are not fit for modern NHS requirements and have long been acknowledged by the relevant stakeholders — including the medical practice itself and representatives of the local community — as unsuitable for continued long-term occupation as a surgery. In those circumstances, the proposed safeguarding of the site “for its existing use” is not only unsupported by the evidence but risks frustrating the delivery of enhanced healthcare infrastructure for Westcott residents.

Further, the revised policy introduces unnecessary duplication of existing national and development plan controls, including additional Green Belt restrictions and onerous evidential burdens which extend materially beyond the requirements of the NPPF. The cumulative effect is the imposition of an inflexible and preservation-led policy framework which would impede otherwise sustainable and policy-compliant development proposals from coming forward.

Accordingly, for all the reasons set out above, it is submitted that proposed Policy WNDP7 fails to meet the statutory basic conditions and cannot lawfully proceed in its current form.

The Examiner is therefore respectfully invited to recommend that the proposed revisions to Policy WNDP7 be deleted in their entirety or, in the alternative, substantially modified so as to secure consistency with national policy, conformity with the strategic policies of the Mole Valley Local Plan 2020–2039, and compliance with the statutory framework governing neighbourhood development plans.

Should you require any further information, please do not hesitate to contact me.

Yours sincerely,
BELL CORNWELL LLP

[REDACTED]
[REDACTED]