



Appeal Ref: APP/ M3645/W/25/3374913

LPA Tandridge District Council Ref: TA/2023/1281

Appeal by Nutfield Park Developments Ltd

Former Laporte Works, Nutfield Road, Nutfield, Surrey, RH1 4HG

Proof of Evidence: Heritage

CD 11.6

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1. Introduction

1.1 I am Andrew Josephs, Managing Director of Andrew Josephs Associates, a cultural heritage consultancy founded in 2002. I hold a BA (Hons) in Archaeology and Environmental Studies awarded by the University of Wales in 1985. I was elected a full Member of the Chartered Institute for Archaeologists in 1994, but resigned in 2001.

1.2 I was previously Principal Consultant (Director of Heritage and Archaeology) at Entec (now Wood Group) and Wardell Armstrong, where I started in 1992, becoming one of the UK's first consultants in the post-PPG16 era of developer-funded heritage and archaeology. Prior to 1992, I worked as a researcher for the Universities of York, Wales, Leuven and Arizona.

1.3 I have authored over 1000 Heritage Statements.

1.4 The evidence that I have prepared and provide for this appeal is true and has been prepared and is given in accordance with my professional experience, irrespective of by whom I am instructed. I can confirm that the opinions expressed are my true and professional opinions.

2. Scope of my Evidence

2.1 My role in this Inquiry is to present expert evidence that explains: the significance of the affected heritage assets; the contribution setting makes to that significance; and the effect of the proposals on that significance or the ability to experience and/or appreciate it. I identify the relevant national and development plan policies that relate to the proposals, but I do not carry out a policy appraisal. That falls to Mr Richard Henley who is providing planning evidence for the Appellant (CD 11.3).

2.2 A detailed Heritage Statement was submitted with the planning application that I authored (CD1.27)

2.3 This Proof of Evidence focuses on the Grade II* Church of St Peter and St Paul, Nutfield and the Grade II Folly Tower.

2.4 The location of these designated heritage assets in relation to the proposed illustrative masterplan is shown on **Figure 1**.

2.5 The distance from the two assets to the nearest built component of the proposed development – that is the Integrated Retirement Community (IRC) - was checked and this is also shown on **Figure 1**.

2.6 The distance from the Church to the IRC is approximately 130m, and from Folly Tower to the IRC approximately 110m.



Figure 1 Location of assets and distance from IRC to the Church of St Peter and St Paul and Folly Tower

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3. Legislation and Planning Policy

3.1 The importance of cultural heritage is clearly recognised at both national and local levels.

Legislation

3.2 The statutory legislation relating to the historic environment that is most relevant to the Appeal Site is the Planning (Listed Buildings and Conservation Areas) Act (1990) (CD5.12).

3.3 In particular, section 66(1) of the Act states that:

In considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

3.4 I am familiar with the body of case law concerning the interpretation and application of this statutory provision and understand their relevance to decision making. I leave their application to the facts of this case to the planning evidence of Mr Richard Henley.

Planning Policy

Local Policy

3.5 The Tandridge District *Local Plan Part 2: Detailed Policies 2014-2029* (CD4.2) includes the following policy DP20 in relation to Heritage.

DP20: Heritage Assets

A. There will be a presumption in favour of development proposals which seek to protect, preserve and wherever possible enhance the historic interest, cultural value, architectural character, visual appearance and setting of the District's heritage assets and historic environment. Accordingly:

1. Only where the public benefits of a proposal significantly outweigh the harm to, or loss of a designated heritage asset or its setting, will exceptional planning consent be granted. These benefits will be proportional to the significance of the asset and to the level of harm or loss proposed.
2. Where a proposal is likely to result in substantial harm to, or loss of, a designated heritage asset of the highest significance (i.e. scheduled monuments, grade I and grade II* listed buildings, and grade I and grade II* registered parks and gardens), granting of permission or consent will be wholly exceptional.

B. In all cases the applicant will be expected to demonstrate that:

1. All reasonable efforts have been made to either sustain the existing use, find viable alternative uses, or mitigate the extent of the harm to the asset; and
2. Where relevant the works are the minimum necessary to meet other legislative requirements.

C. With the granting of permission or consent the Council will require that:

1. The works are sympathetic to the heritage asset and/or its setting in terms of quality of design and layout (scale, form, bulk, height, character and features) and materials (colour and texture); and
2. In the case of a Conservation Area, the development conserves or enhances the character of the area and its setting, including protecting any existing views into or out of the area where appropriate.

3.6 The main national planning policy relevant to the Appeal Site is the **National Planning Policy Framework**, revised 2024 (CD5.1) and the **Glossary** of definitions contained within Annex 2 of the NPPF, including:

- **Conservation (for heritage policy):** *The process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance.*
- **Setting of a heritage asset:** *The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.*
- **Significance (for heritage policy):** *The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting. For World Heritage Sites, the cultural value described within*

each site's Statement of Outstanding Universal Value forms part of its significance.

3.7 The significance of heritage assets potentially impacted by a development should be defined in a manner proportionate to their importance (paragraphs 207 and 208 of the NPPF), mindful of the nature and extent of the impact.

207. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

208. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

3.8 The significance of a heritage asset may be archaeological, architectural, artistic or historic (Annex 2: Glossary, NPPF).

3.9 The Church, Grade II*, has historical and archaeological significance as part of the medieval and later history of Nutfield. It also has architectural significance as an example of a medieval church which has been partly rebuilt, extended and restored in subsequent years.

3.10 Folly Tower, Grade II, holds architectural significance as an example of a folly building designed to have views over its surroundings from the garden of a private house that was in vogue in the 19th century.

3.11 Significance is an intrinsic quality, deriving from the physical form and character of a building or structure. Setting may contribute directly to that significance or to the appreciation of it. Equally, setting may detract from significance or have no influence on it, positive or negative.

3.12 The assessment must consider the impact of the proposed development and its effect on the significance of the identified assets or on the contribution setting makes to significance (or the appreciation and/or experience of its significance).

3.13 If the proposed development is held to cause harm to the significance of a designated heritage asset, such harm should be categorised as either less-than-substantial or substantial (NPPF paragraphs 212 and 213 respectively).

3.14 In this case, the parties agree that the identified harm is less than substantial in NPPF terms.

3.15 Practitioners should identify the nature and extent of any less-than-substantial harm less-than-substantial. That approach is supported by the Planning Practice Guidance or 'PPG' (paragraph 18).

3.16 Paragraphs 212 – 215 of the NPPF set out the weight that should be applied to identified heritage harm.

3.17 The nature and extent of less-than-substantial harm is important to ascertain because that analysis informs the balancing exercise in paragraph 215 of the NPPF which is carried out by Me Henley in his planning proof.

3.18 Any harm to the significance of a designated heritage asset should require 'clear and convincing justification', as per NPPF paragraph 213.

3.19 A clear and convincing justification does not create a freestanding test requiring the demonstration of less damaging alternatives

212. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

213. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;

b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

214. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

a) the nature of the heritage asset prevents all reasonable uses of the site; and

- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.*

215. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

National Planning Guidance

Planning Practice Guidance (PPG) Historic Environment

3.20 Planning Practice Guidance (PPG) stresses the importance of determining applications on the basis of assessing impacts on the significance of a designated heritage asset, and explains how the heritage tests within the NPPF are to be interpreted.

3.21 In particular, the PPG includes the following in relation to the evaluation of significance and harm:

“Heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals, (para 07).

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the National Planning Policy Framework (requires that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing the optimum viable use of that asset, (para 16).

What matters in assessing whether a proposal might cause harm is the impact on the significance of the heritage asset. As the National Planning Policy Framework makes clear, significance derives not only from a heritage asset’s physical presence, but also from its setting, (para 18).

Proposed development affecting a heritage asset may have no impact on its significance or may enhance its significance and therefore cause no harm to the heritage asset. Where potential harm to designated heritage assets is identified, it needs to be categorised as either less than substantial harm or substantial harm (which includes total loss) in order to identify which policies in the National Planning Policy Framework apply, (para 18).

Within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated, (para 18).

3.22 Paragraph 20 of the PPG sets out that any identified heritage harm should be weighed against the public benefits of the proposal under paragraph 215 balance. I do not carry out this balancing exercise. That falls to Mr Richard Henley who is providing planning evidence for the Appellant.

The National Planning Policy Framework requires any harm to designated heritage assets to be weighed against the public benefits of the proposal.

Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework. Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit, (para 20),

Technical Standards and Guidance

3.23 Technical guidance produce by Historic England (and its precursor English Heritage) informed the Heritage Statement (CD1.27). Those of most relevance were:

- Historic England 2019. *Statements of Heritage Significance* (HEAN12)
- Historic England 2015 *Managing Significance in Decision-Taking in the Historic Environment*
- Historic England 2017 *Good Practice Advice 3 – The Setting of Heritage Assets*, 2nd edition (GPA3) - CD6.37
- Historic England 2018 *Listed Buildings and Curtilage* (HEAN 10)

3.24 The key guidance used in this evidence is *The Setting of Heritage Assets* (GPA3) (CD6.37)

The Setting of Heritage Assets (GPA3)

3.25 This Good Practice Advice Note published in 2017 observes that amongst the Government's planning objectives for the historic environment is that conservation decisions are based on the nature, extent and level of a heritage asset's significance and are investigated to a proportionate degree. Historic England recommends the following broad approach to assessment, undertaken as a series of steps that apply proportionately to complex or more straightforward cases:

- Step 1: identify which heritage assets and their settings are affected;
- Step 2: assess whether, how and to what degree these settings make a contribution to the significance of the heritage asset(s);
- Step 3: assess the effects of the proposed development, whether beneficial or harmful, on that significance;
- Step 4: explore the way to maximise enhancement and avoid or minimise harm;
- Step 5: make and document the decision and monitor outcomes.

These steps have been followed in the evidence below.

4. Statement of Significance

Church of St Peter and St Paul

4.1 The Church is listed Grade II* and described in the list entry (list entry 1377573, Appendix CD11.7). Within the Churchyard, and 8m from the Church, is a Grade II eighteenth-century chest tomb (list entry 1280444). The tomb is not assessed separately below but conjoined with the Church.

4.2 The Church (**Figure 2**) has 13th century origins but, externally, little remains of the original architecture. The 13th century tower was rebuilt in 1786. A full programme of restoration was carried out in 1882, including restored windows and a new south aisle, externally rendered and pebbledashed.



Figure 2 The Church of St Peter and St Paul, from within the Churchyard, looking north.

4.3 The architectural significance of the Church is predominantly appreciated from within, **Figure 3**. The three-bay nave is of 13th century date with round piers and corbelled arches. The chancel arch is of 14th century date and the listing description notes the ‘tall impressive tower arch’. Some of the fittings survived the Victorian restoration, including a Jacobean pulpit. The east, chancel window is by Burne-Jones and installed in 1890.

4.4 These architectural and historical elements, and their significance, will not be affected by the proposed development.



Figure 3 The interior of the Church of St Peter and St Paul, showing the 13th century nave, looking east towards the Burne-Jones window in the chancel. Source: Wikipedia

4.5 Externally, the architectural significance of the Church, including the tower, can only be appreciated from the south, on Church Lane, **Figure 4**. The body of the Church can only be clearly appreciated from near the curtilage of the Church due to surrounding hedges and trees.



Figure 4 View of the Church from Church Lane © Google

4.6 The curtilage of the Church is well-defined by mature trees (including evergreen to the west side) and a yew hedge. The curtilage encompasses the Churchyard, and there is a clear sense of enclosure (**Figure 5**).



Figure 5 View of the Church from within the Churchyard showing sense of enclosure ©J Vigar

4.7 The proposed development will have no effect upon any key views of the Church, and due to the enclosed nature of the churchyard, proportionately the built fabric contributes more to the heritage significance of the Church than its wider setting.

Historical and current setting

4.8 Historically, the Church's setting and its relationship with Nutfield is unusual. It is not in a topographically dominant position; the Church being built some 20m lower than the focus of the village along the ridge that the A25 follows and some 200m south of the village core. There is no evidence of an earlier settlement around the Church, nor of medieval desertion.

4.9 The tithe map of 1843 (**Figure 6**) shows the clear separation of the Church from the village and a focus towards the north and east, including Parsonage Park. The land within the Appeal Site was owned by The Fullers Earth Union Limited.



Figure 6 Tithe Map of Nutfield, 1843

4.10 More detail is shown on the Ordnance Survey of 1895, around the time of the extensive restoration of the Church. Its setting was defined by the landscape to the north and east (**Figure 7**). The Rectory, that had been built within a parkland setting in 1792¹, has a drive linking the Rectory to the Church.

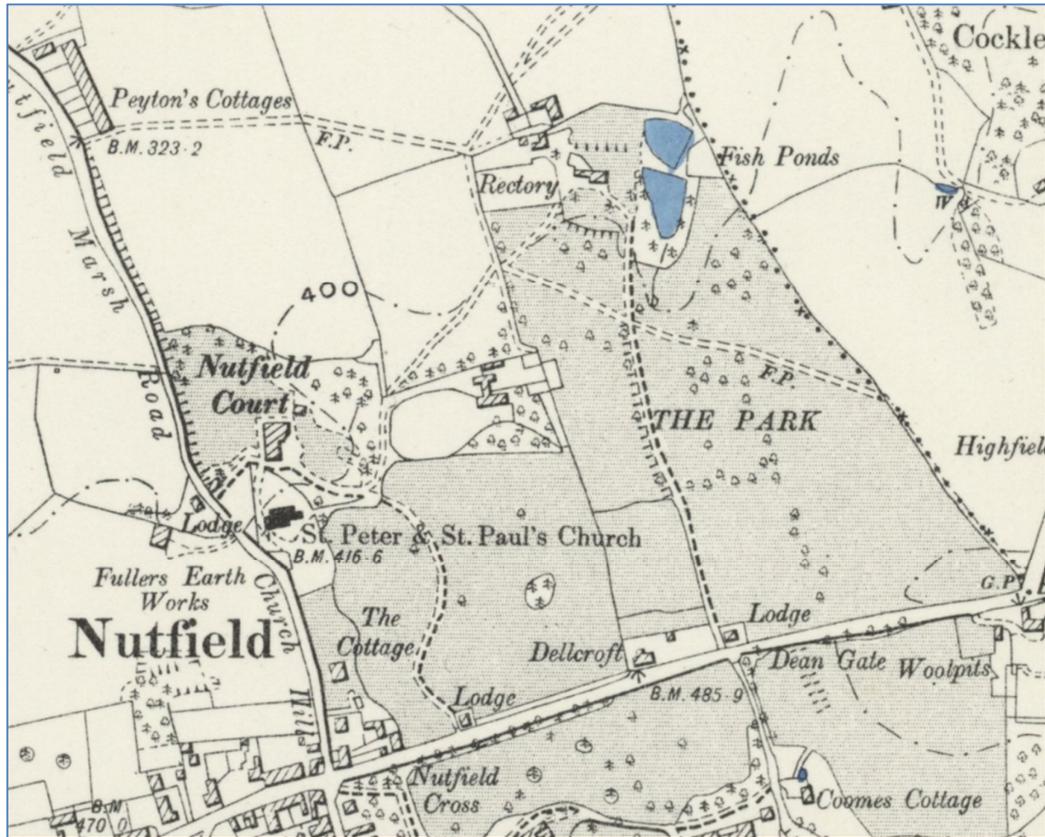


Figure 7 Ordnance Survey, 1895 showing the Church and Rectory within a parkland setting and linked by a driveway

4.11 The proposed development, the nearest structural component being the Integrated Retirement Community ('IRC') element 130m south west, is within land that has previously been worked for Fullers Earth from the 19th century (**Figure 8**). There is therefore no original surviving historical context between the Church and the Appeal Site, in the way that agricultural fields or built assets could provide a link between the Church and its parishioners.

¹ Source: *A History of the County of Surrey: Volume 3* 1911. Victoria County History,

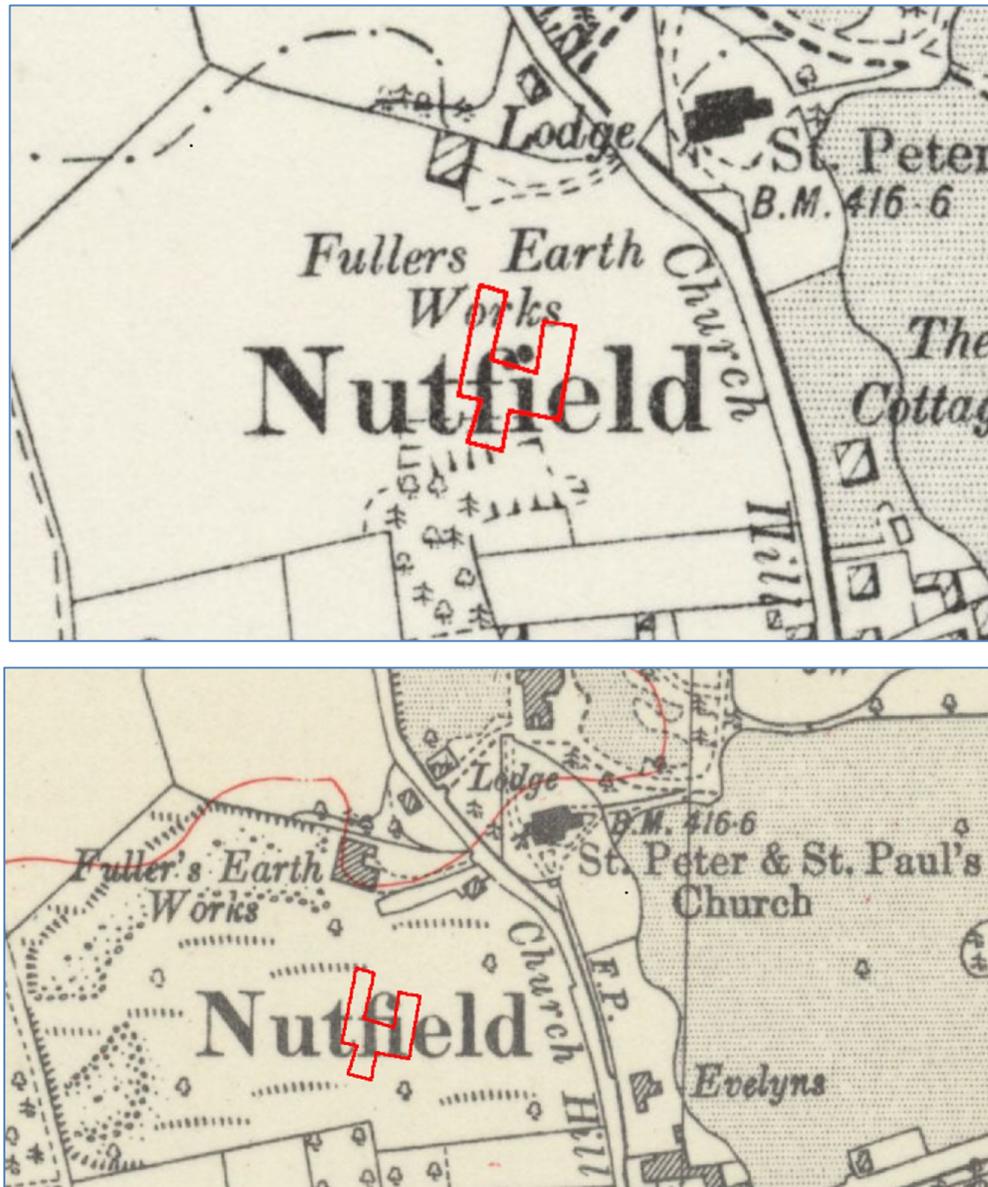


Figure 8 Ordnance Survey, 1895 (top) and 1934 showing mineral workings and restored land . The outline of the IRC is shown red.

4.12 An aerial photograph of 1945 (**Figure 9**) clearly shows the extent of workings to the western side of Church Lane, and how the setting of the Church has significantly changed from its historical context.



Figure 9 Aerial Photograph, 1945 showing extent of mineral workings to the west of Church Lane

4.13 Today, to the east and north-east of the Church are agricultural fields, with an active quarry beyond, and a quarry access road 225m to the east of the Church. The parkland shown on 19th century maps is now arable fields, and the M23 cuts a swathe through the landscape, 550m east of the Church, **Figure 10**.



Figure 10 The current setting of the Church to the east and north east
© Google base photo

Proposed setting

4.14 The nearest structural component of the proposed development is the IRC 130m south west of the Church. The proposed location of the IRC is identified on the land use parameter plan, intended for approval at the outline stage. It will be sited on land that was worked for Fullers Earth from the 19th century and subsequently restored. The relationship of the Church and the IRC, extracted from the illustrative masterplan, may be seen on **Figure 11**.

4.15 As noted in paragraphs 4.1 - 4.7, above, the current setting of the Church is largely defined by the enclosed churchyard within which it sits. Between the Church and the Appeal site are mature woodland and Beechcroft Cottages, that date from after 1945.



Figure 11 The proposed setting of the Church showing the location of the IRC extracted from the illustrative masterplan
© Google base photo

Views

4.16 The locations of views presented in this evidence are shown on **Figure 12**.

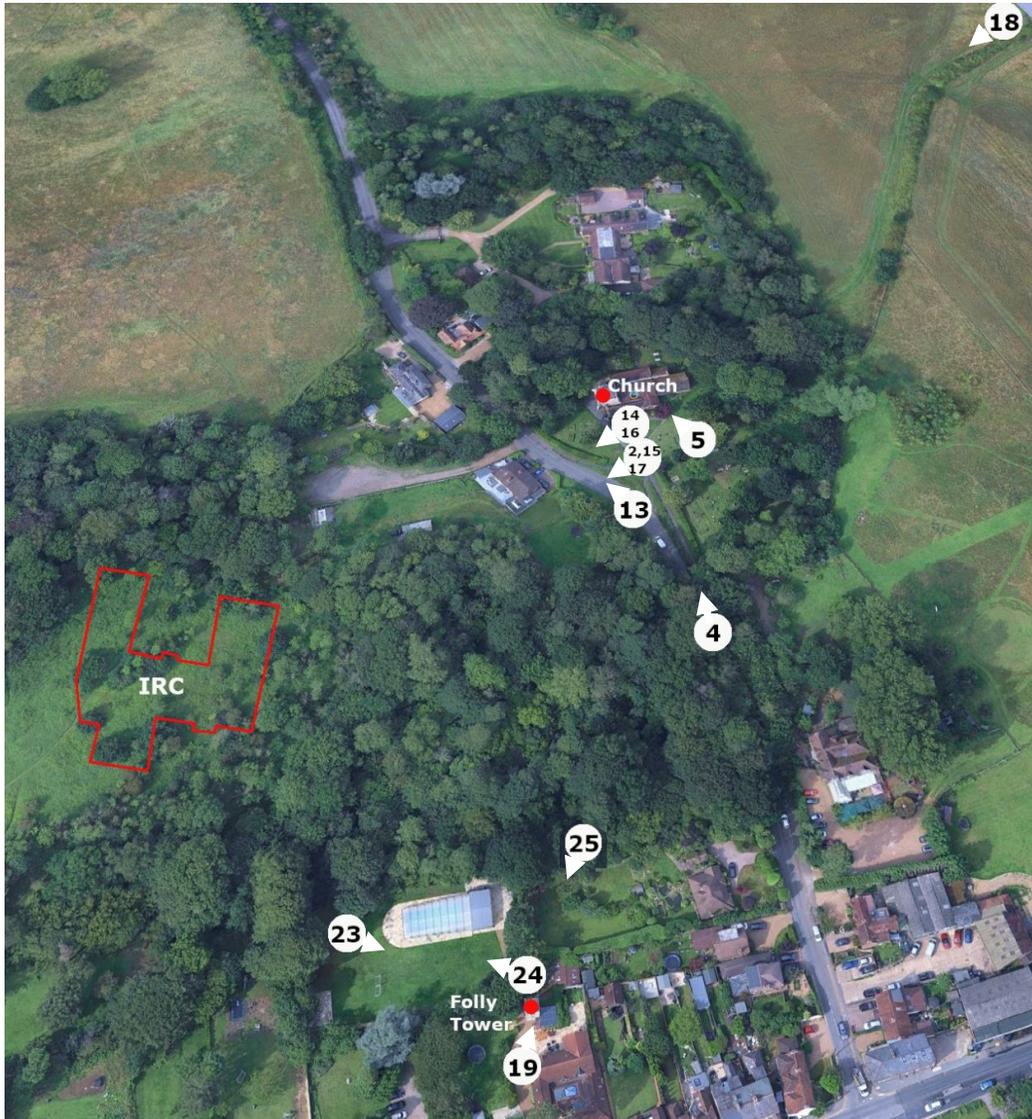


Figure 12 Viewpoints shown in this POE with figure numbers and direction. © Google base photo

4.17 The Church is not a prominent feature in the local landscape sitting in a topographically lower location amongst trees and woodland. As noted in paragraph 4.5 and illustrated on Figure 4, appreciation of the significance of the Church can only be gained from Church Lane. The Appeal Site is not visible from here as the Lane is incised, and there is dense woodland to the west side of the Lane. At no point as one descends the hill past the Church – where the significance of the Church continues to be appreciated - is the proposed development and the Church visible in the same visual envelope. To the east of the incised Lane, a yew hedge surmounts the bank and this frames the view of the Church and allows the best appreciation of the Church, its setting and its significance, **Figure 13**.



Figure 13 View of the Church from Church Lane, with Beechcroft Cottages to the left © Google

4.18 The Church sits 130m north east of the proposed IRC to the east of Church Lane. Between the Church and the Appeal Site are Beechcroft Cottages and mature woodland. In summer this is likely to prevent views of the proposed built development from the Church at ground level (**Figure 14**). Highly filtered views may be possible from the curtilage boundary, next to the lych gate (**Figure 15**).

4.19 In winter, glimpsed views are likely through trees without leaves although from the porch, an evergreen tree within the churchyard will largely block this view (**Figure 16**). The prominent built development within the view are Beechcroft Cottages, 35m south west of the Church, a house constructed after 1945.



Figure 14 View from outside the porch of the Church looking towards the Appeal Site in summer



Figure 15 View from near the lych gate looking towards the Appeal Site in summer, with Beechcroft Cottages sitting between the two



Figure 16 View from near the porch looking towards the Appeal Site in winter

4.20 A winter view from the curtilage of the Church, near the lych gate, was included in the LVIA (CD28-31) and is reproduced below as **Figure 17A**. A photomontage was prepared (**Figure 17B**) that shows how the built form of the IRC is filtered by the structure of the intervening woodland, and whilst the outline of the building is determinable, it is not intrusive. The predominant visual influence is Beechcroft Cottages on the opposite side of Church Lane.

4.21 Views of the development are likely from the parapet of the tower roof, although filtered to some extent by woodland. Permission was requested to visit the Tower but for health and safety reasons there is no public access. GPA3 (CD 6.37, page 2) points out “*the contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting*”. GPA3 continues that the setting “*will vary over time and according to circumstance*”, which is clearly the case here with extensive mineral workings evident on the 1945 aerial photograph, **Figure 9**, above.



Existing View

Illustrative Masterplan with
Maximum Height Parameter -
IRC - 14.5m max



View upon Completion

Figures 17A and B View from near the lych gate looking towards the Appeal Site in February 2023 with photomontage of completed development below. (Source LVIA, Figure 32)

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4.23 From the rural fields (the former parkland associated with the Rectory) to the north and north-east, the Church is enveloped by the trees within and around the Churchyard. This is illustrated on **Figure 18** that shows a view looking towards the Church and Appeal Site from a PROW (NTF188d). There would be no change in this view as a result of the proposed development.



Figure 18 View from PROW 250m north east of the Church. The Church is hidden by mature trees.
(Source LVIA, Photoviewpoint 18)

Folly Tower

4.24 Folly Tower is listed Grade II and described in the list entry (ID 1029868, Appendix CD11.7). It was built in 1858 within the gardens of Well House, a 'gentleman's residence' that fronted onto High Street and is now apartments.

4.25 The Tower is of stone with brick quoins to angles, 3 stages high with a battlemented parapet to the top. There is a modern extension to the north side and a modern patio, with painted concrete balustrades, adjoining to the south.

4.25 Appreciation of the significance of the Tower is from within the grounds of Redwood, a much-extended house built within the former grounds of Well House, **Figure 19**. This appreciation is not affected by the proposed development. Due to surrounding development, there is no appreciation of the asset from Well House or the High Street.

4.26 The architectural and historical elements of the Tower, and their significance, will not be affected by the proposed development.



Figure 19 Folly Tower looking towards the Appeal Site Source and © Airbnb

Historical and current setting

4.27 Historically the setting of the Tower would have been formed by Well House and the views the Tower offered of the surrounding landscape. Since the Tower's construction, the surroundings have been subject to mineral extraction that commenced in the 19th century and modern development.

4.28 The proposed development, the nearest structural component being the IRC 110m north west, is within land that has previously been worked for Fullers Earth from the late 19th century (**Figures 20 and 21**) and restored. There is no original surviving historical context between the Folly Tower and the Appeal Site.

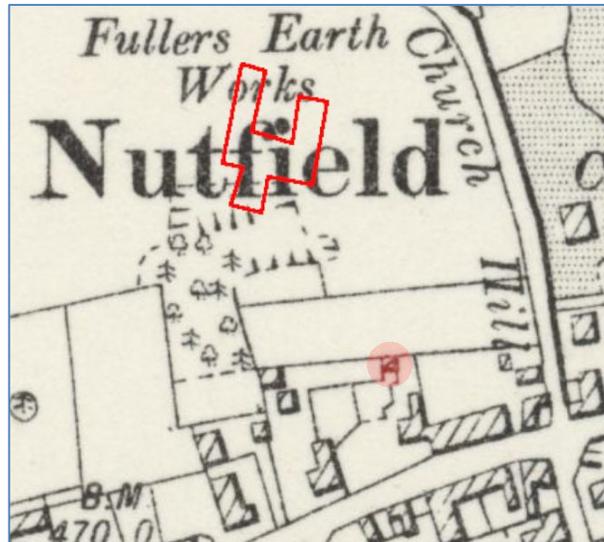


Figure 20 Ordnance Survey, 1895 showing the commencement of mineral workings and location of the IRC and Folly Tower (red circle)

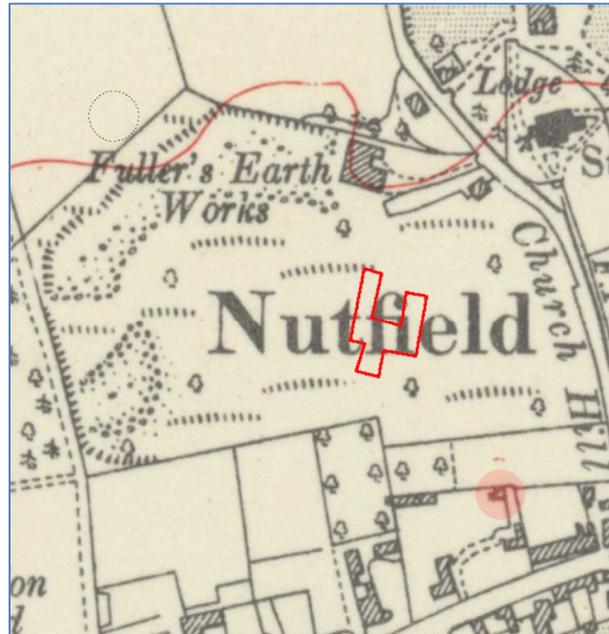


Figure 21 Ordnance Survey, 1934 showing restored land and mineral workings, with the location of the IRC and Folly Tower (red circle)

4.29 The current setting has been altered from its historic setting through past mineral workings, restoration and nearby development, including a recent swimming pool and extension. The extent of workings can be clearly seen on the 1945 aerial photograph (**Figure 9**, above) and the extent of development in the vicinity of the Tower in the past 100 years can be seen on **Figure 22**, where only a few houses present in 1934 remain.



Figure 22 The setting of Folly Tower. Housing shown on the 1934 map to the north of the A25 is shaded orange.

Views

4.30 The Tower sits on private land. A request was made to visit it in February 2026.

4.31 Recently, a swimming pool has been constructed 20m north west of the Tower that will form a significant component in the view looking towards the Appeal Site, **Figures 23-24**. A modern extension has been built on the northern side of the Tower which has been converted into residential accommodation and is let as an Airbnb property².

2

https://www.airbnb.co.uk/rooms/11485619?source_impression_id=p3_1768667378_P3sPMD_BZYvM8dBiM&modal=PHOTO_TOUR_SCROLLABLE



Figure 23 The swimming pool in the gardens of Folly Tower, to right of photograph Source and © Airbnb



Figure 24 View of swimming pool looking in direction of the IRC from modern extension adjoining northern side of Folly Tower Source and © Airbnb

4.32 It is considered likely, based upon Google Earth, that the rooflines of the proposed development would be visible from the upper storey and battlemented parapet of the Tower.

4.33 Views over the Appeal Site from the top of Folly Tower would not affect appreciation of the Tower's architectural significance.

4.34 Between the Folly Tower and the IRC is dense woodland. Although a visit to the Folly Tower has not yet been undertaken, it is predicted based upon Google Earth and the height of the mature woodland, that there would be no views at ground level from the Tower. This prediction is reinforced by a viewpoint on the Appeal Site boundary looking towards the Tower in winter that shows strong screening (**Figure 25**). The IRC would be a further 50m deeper into the woodland, with the swimming pool sitting between the Tower and the IRC (**Figure 26**).



Figure 25 View from southern boundary of the Appeal Site looking towards the Tower (arrowed), February 2026

Proposed setting

4.35 The nearest structural component of the development is the proposed IRC, 110m north west of Folly Tower. It will be sited on land that was worked for Fullers Earth from the 19th century and subsequently restored. The relationship between the Tower and the IRC, extracted from the illustrative masterplan, may be seen on **Figure 26**.

4.36 As noted in paragraphs 4.27 - 4.29, above, the current setting of the Tower is largely defined by modern development. Between the Tower and the Appeal Site is a recent swimming pool and mature woodland.

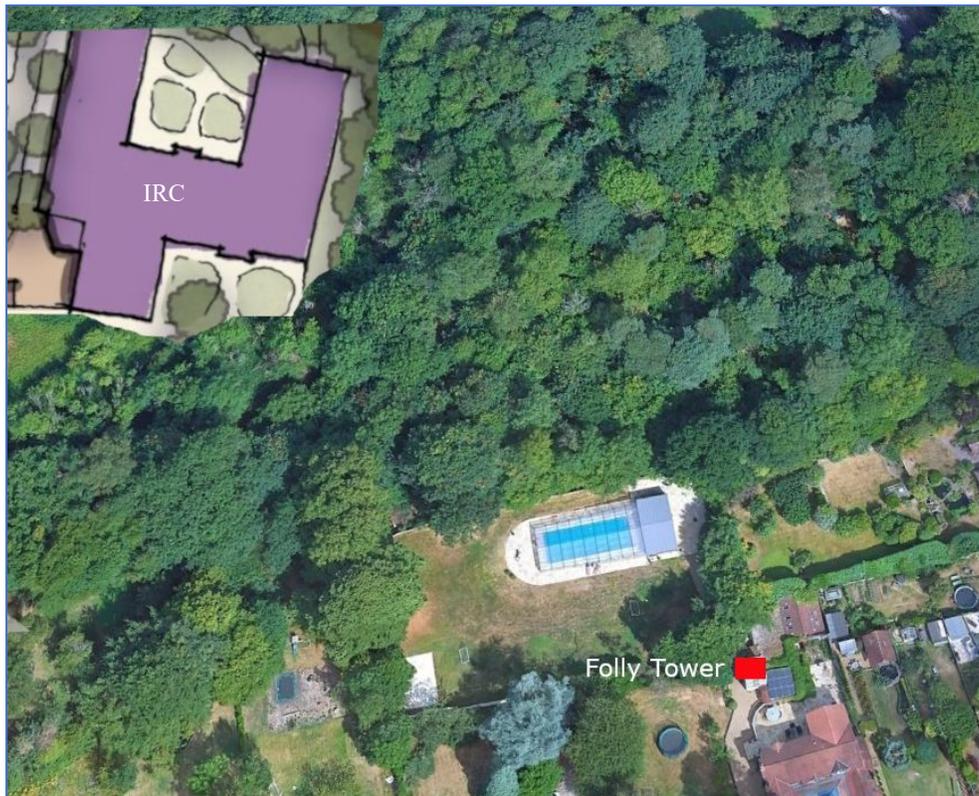


Figure 26 The setting of Folly Tower and the proposed development extracted from the illustrative masterplan, and to show swimming pool and mature woodland buffer

© Google base photo

5. The Effects of the Proposed Development on the Significance of the Heritage Assets

5.1 In this section of my proof of evidence and based upon the discussion in Section 4, above (that equates to Step 2 of GPA3), I examine the potential effects of the proposed development and reach a conclusion upon the significance of those effects, as recommended in Step 3 of GPA3:

Step 3: Assess the effects of the proposed development, whether beneficial or harmful, on the significance or on the ability to appreciate it

32 The third stage of any analysis is to identify the effects a development may have on setting(s) and to evaluate the resultant degree of harm or benefit to the significance of the heritage asset(s). In some circumstances, this evaluation may need to extend to cumulative and complex impacts which may have as great an effect on heritage assets as large-scale development and which may not solely be visual.

The Church of St Peter and St Paul

5.2 Externally, the architectural significance of the Church, including the tower, can only be appreciated from the south, on Church Lane. Due to extensive restoration in the 18th and 19th centuries, the architectural significance of the Church is predominantly appreciated from within. These architectural and historical elements, and their significance, will not be affected by the proposed development.

5.3 The proposed development will have no effect upon any key views of the Church.

5.4 The curtilage of the Church is well-defined by mature trees and a yew hedge. The curtilage encompasses the Churchyard, and there is a clear sense of enclosure.

5.5 The proposed development is within land that has previously been worked for minerals and restored, and there is no original surviving historical context between the Church and the Appeal Site.

5.6 The nearest element of the development that would be visible from the Church is the proposed IRC, 130m south west. Winter views would be clearer from the curtilage of the Churchyard, rather than from the Church porch where

a large evergreen tree blocks most of the view in the direction of the IRC. From the porch the Appeal Site is oblique to the path leading to the lych gate. At the lych gate, the view towards the Appeal Site is dominated by Beechcroft, a post-war house 35m south west of the Church. Views are predicted from the Tower.

5.7 Overall, I conclude that views of the proposed IRC will cause a minor adverse impact on a visitor's experience of the Church (especially in winter) and a minor adverse effect to the appreciation of the significance of the Church. This results in a low level of less than substantial heritage harm to the Church's setting and significance, as defined by NPPF.

Folly Tower

5.8 Although the Tower's function would have included that of providing views over the surrounding landscape, that landscape has changed substantially since the Tower's construction. New development, including a swimming pool and modern extension, has been constructed in the immediate setting of the Tower, and the Tower is divorced from the house it served (Well House), as has been shown in Section 4, above. Little therefore remains of the setting of the Tower, and none that is in its original form.

5.9 The architectural significance of the Tower is appreciated close to and will not be affected by the proposed development.

5.10 It is predicted, based upon Google Earth and the height of the mature woodland, that there would be no views of the proposed IRC at ground level due to dense woodland separating the Tower from the Appeal Site. It is further likely that the rooflines of the proposed development would be visible from the upper storey and battlemented parapet of the Tower. Those views are incidental to the architectural significance of the Tower and form only part of the 360° panorama that is now dominated by development.

5.11 Accordingly, and for the above reasons, I conclude that there would be a minor adverse effect to appreciation of the significance of the Folly Tower resulting in a low level of less than substantial heritage harm to the setting and significance of the Tower, as defined in the NPPF.

6. Conclusion

6.1 Section 66(1) of the The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the statutory test for dealing with listed buildings in planning decisions. In relation to listed buildings, planning decisions “*should have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*”.

6.2 NPPF, paragraph 212 states “*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation... This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*”

6.3 I have concluded that in relation to the Church and Folly Tower there would be low level of less than substantial harm to their setting and significance.

6.4 Applying, paragraph 212 of the NPPF and relevant case law³, great weight must be afforded to the assets’ conservation and the proposal should be weighed against public benefits, as set out in Paragraph 215 of NPPF.

“Where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this should be weighed against the public benefits of the proposal.”

6.5 The approach in Barnwell does not prevent the grant of permission even where there is identified heritage harm. The case reaffirms that the statutory objective of preservation is a planning consideration of great weight and importance.

6.6 Having acknowledged that and having regard to the particular facts of the case, the decision maker is then entitled to balance the benefits of a proposal against heritage harm pursuant to paragraph 215 of the Framework.

6.7 Paragraph 215 of the NPPF requires any identified harm to designated heritage assets to be weighed against the public benefits of the proposal (paragraph 18a-020-20190723 of the PPG. The PPG confirms that public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the NPPF (paragraph 18a-020-20190723 of the PPG).

6.8 The balance under paragraph 215 of the NPPF is carried out in the proof of evidence of Mr Henley (CD 11.3).

³³ Barnwell Manor Wind Energy Ltd v E. Northants DC, English Heritage, National Trust & SSCLG ([2014])



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