The Planning Inspectorate

Appeal Decision

Site visit made on 24 January 2017

by Richard Aston BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17th February 2017

Appeal Ref: APP/C3620/W/16/3163153
Bennetts Grove, Forest Green, Surrey RH5 5PN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Richard Gatfield against the decision of Mole Valley District Council.
- The application Ref MO/2015/0922/PLAMAJ, dated 7 June 2015, was refused by notice dated 20 May 2016.
- The development proposed is the enlargement of an existing pond.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the area and the effect on the setting of Pondhead Farm, a Grade II Listed Building.

Reasons

3. The site is located within an Area of Landscape Value[1] and I have had regard to the ACD Environmental 'Landscape and Visual Impact Assessment' ('LVA'). The existing pond sits lower than surrounding land and forms part of a localised network of small ponds and waterways in close proximity to Pondhead Farm ('PF'). Bennetts Grove contains some ancient woodland and although the majority has been irreversibly lost, the appeal site, with its mature trees and undulating grassland topography appears as an integral part of an attractive and historic rural landscape which is assessed as having a high landscape character sensitivity.

4. I have no reason to disagree that such ponds are a natural and integral feature of the wider landscape but the enlargement of the existing pond and subsequent raising of the water level would be a somewhat unsympathetic change to the topography and landform in this particular part of it. In combination with the removal of a number of existing mature trees it would appear as a more open lake, as opposed to a small rural pond. It would be a prominent feature that would sit uncomfortably within this part of the landscape and having visited the site the conclusion in the LVA that the magnitude of landscape impact is 'Negligible', resulting in a 'Minor' effect, somewhat underestimates the impact.

[1] Surrey Hills Area of Great Landscape Value.

5. In visual terms, the associated engineering works in the form of a new clay bund, changes to the weir and retaining walls, would introduce a much more artificial and overly engineered appearance. I do not share the appellant's view that the retaining wall would be a comparable boundary treatment to that which exists in the vicinity, given its low height, extent and the use of red brick. Overall, it would be a visually incongruous development when viewed from Pond Head Lane and PF, which has a large number of windows that overlook the appeal site.

6. Whilst the effect of the proposal would be somewhat localised, nonetheless it would be conspicuous and readily noticeable from Pond Head Lane and again the conclusion in the LVA that the magnitude of visual impact would be 'Small', resulting in a 'Moderate' effect somewhat underestimates the visual impact. Taking everything together, the proposal would harm the character and appearance of the area both in landscape and visual terms within the vicinity of the appeal site and as a consequence its enjoyment by users of Pond Head Lane, surrounding Public Rights of Way and occupiers of PF. I am not persuaded that the management and maintenance of existing hedgerows and trees would sufficiently mitigate these effects to make the proposal acceptable.

7. Turning to the effect on the setting of the heritage asset, paragraph 132 of the National Planning Policy Framework ('the Framework') makes it clear that 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. Heritage assets are clearly influenced by the comprehension of external factors and development within their setting and its extent is not fixed and evolves over time.

8. In this case, PF is a 16th century timber framed dwelling, constructed in white washed brick on a sandstone plinth under a plain tiled roof that has been the subject of a number of later alterations. It has an open frontage that slopes down towards Pond Head Lane and sits very close to the appeal site, albeit separated by a narrow rural lane. Having visited the site, I do not share the appellant's view that the appeal site forms only a small and relatively peripheral part of the setting of PF. From public view points on the approach along the lane and from the curtilage of the PF, its setting is dominated by the natural contours of the pond and associated trees and landscaping, albeit that there are some very minor previous engineering operations that created the existing weir. Overall, I find that the existing pond and its immediate surroundings, makes a substantial and important contribution to the setting of the heritage asset.

9. Located in such close proximity to PF, the change to the topography of the land from large scale excavation and the resultant greater visual mass of water would be clearly conspicuous within the setting of PF. Although change is not always harmful, it would be an overly dominant and unsympathetic change in the immediate foreground of the heritage asset. It would substantially diminish the perception and attractiveness of PF and the historic relationship and visual connection between the two, affecting the significance of PF as a designated heritage asset, in terms of its setting.

10. For these reasons, the proposal would harm the character and appearance of the area and the significance of the heritage asset of PF, in terms of its setting. It would conflict with Policies CS13 and CS14 of the Mole Valley Local

Development Framework Core Strategy 2009 and Policy ENV4 of the Mole Valley Local Plan 2004. When read as a whole, these state that areas and sites of historic importance will be protected and enhanced, where appropriate in accordance with legislation and national guidance and require all new development to respect, and where appropriate, enhance the character and distinctiveness of the landscape character of the area in which it is proposed.

11. In the context of the Framework I find that the harm to the significance of the heritage asset would be less than substantial. For the above reasons, I do not share the appellant's conclusion that the proposal would be beneficial to the landscape and the public benefits in terms of the creation of a larger wetland habitat that may benefit protected species, would not outweigh this harm. Accordingly, the proposal would also conflict with the heritage objectives of the Framework.

Conclusion

12. For the reasons set out above, the proposal would conflict with the development plan, when read as a whole and the Framework. Material considerations do not indicate that the proposal should be determined other than in accordance with the development plan and having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

Richard Aston

INSPECTOR