



Appeal Decision

Site visit made on 16 September 2019

by Tim Crouch DipUD MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Thursday, 07 November 2019

Appeal Ref: APP/C3620/W/19/3231915

Temple Elfande, Temple Lane, Capel, Surrey RH5 5HJ

- 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 and Mrs Hood against the decision of Mole Valley District Council.
 - The application Ref MO/2018/2219/PLA, dated 21 December 2018, was refused by notice dated 28 February 2019.
 - The development proposed is construction of new 4 bedroomed two storey dwelling with detached garage and new entrance drive.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are firstly, the effect of the proposal on the setting of the adjacent property known as Temple Elfande, a Grade II listed building, and, secondly, whether residential development is acceptable in this countryside location with regard to local and national planning policies.

Reasons

Setting of the listed building

3. Temple Elfande is a two storey timber framed Grade II listed building. This designated heritage asset (HA) dates from the 16th century and, according to the supporting heritage statement, was originally part of a grander building of three wings, fortifications, a moat and formal grounds. The Council's heritage officer also identifies that it would have had a setting of over 100 acres. In later years the building was reduced in scale and functioned as a farmhouse.
4. The HA is approached along the narrow and rural Temple Lane. This is through hedge lined fields and the building is set towards the end of the lane. There are few neighbouring properties along this lane, with any buildings mostly agricultural, clustered in small groups. The HA has a neighbouring historic barn, which is also a grade II listed building and which shares its access. Whilst now converted and in separate ownership, these buildings form a clear historic group in association with the HA due to the access, ancillary scale and appreciation of the buildings' agricultural architecture, along with their associated former function as part of the historic farmstead. This contributes to the rural setting of the HA, the significance of Temple Elfande as the principal

- building and the historic remoteness of the wider estate from other settlements.
5. The appeal site includes two tennis courts and is located to the east of the HA, within its gardens which provides a spacious, green setting. The tennis courts are partially screened by several mature trees, landscaping and a grade II listed low level brick wall. The brick wall serves as one of the few remaining historic landscape features within the garden setting of the HA, as identified by the appellant and is believed to date from the earliest period of the HA. The HA's relationship with its gardens and association with the grade II listed garden wall landscape feature forms an important part of the HA's significance.
 6. Whilst there is a barn and outbuildings to the west of Temple Elfande, these are ancillary in scale and form a different character as part of the former working farmstead, which supported the historic farmhouse. Whilst the proposal would add another building to the group, this would lie to the east of the principal building in an area which has a different character derived from the more formal gardens of the HA, landscaping, garden features and mature individual trees. The building would therefore appear incongruous to the pattern of development given this differing character. Although replacing the existing development of the tennis courts, these have a limited built form and are largely level and open in character allowing an appreciation of being formal gardens associated with the HA.
 7. Despite the use of local materials, the proposed vernacular style of architecture and the utilisation of the existing vegetation, the introduction of a new dwelling within the open area to the east of the HA would erode the open, spacious character of the gardens of the HA due to its dominating two storey scale, L-shape form and the resulting extent of built form. This would rival the principle historic building, despite being located outside the 'inner garden' as defined by the listed garden walls, reducing its pre-eminence on the site, and would as a result have a detrimental, harmful impact. This would fail to preserve the HA's setting, which helps to contribute to the significance of the HA. This is a key requirement of Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
 8. The appellant states that the proposed site has been chosen as it would be of the least significance to the setting of the HA and it would be sited furthest away from the 16th century section of the building. However, views would still be possible of the proposed development from the HA through the individual mature trees, which would be further exacerbated if these non-permanent features were ever lost or removed, and the development would be seen in relation to the HA due to the distance between the two and the partially open character of the garden. Therefore, the proposed development would still have a harmful impact upon the HA, the setting of which would not be preserved, and which is listed in its entirety.
 9. The listed wall within the garden of the HA, due to the retention of the garden area between the HA and the individual mature trees, would retain its setting as a garden feature and would ensure that the wall still relates principally to the HA as a landscape garden feature. Subsequently, there would not be any harm to the setting of the garden wall.
 10. Due to the distance between Temple Barn and the proposed development, with the HA situated in-between, there would not be any direct or glimpsed views of

the two sites together and they would not be seen in relation to each other. Therefore, the setting of the listed barn would not be harmed.

11. Consequently, for the above reasons, I find that the proposed development would result in less than substantial harm to the significance of the HA. In accordance with paragraph 196 of the National Planning Policy Framework (2019) (the Framework), that harm should be weighed against any public benefits of the proposal. From the evidence before me the increase of a single dwelling to housing supply and associated benefits would represent only a limited public benefit in this case and which would not offset the identified harm, to which I must attach considerable importance and weight.
12. For the reasons above I find that the proposed development would have a harmful impact on the setting of the HA and that the public benefits of the proposal would not outweigh the harm identified to its significance. Consequently, the proposal would conflict with saved Policy ENV43 of the Mole Valley Local Plan (2000) (LP), Policy CS14 Mole Valley Core Strategy (CS) (2009), Policy CA-ESDQ4 of the Parish of Capel Neighbourhood Plan (2017) and the Framework. These policies collectively seek to ensure that development does not detract from the setting of listed buildings, that sites of historic importance are protected and that new buildings contribute positively to local historic character.

Residential development

13. The site lies within the designated countryside, outside the village boundary of Capel. This is therefore within an area where the principle of new residential development is not supported by policies CS1 or CS2 of the CS or saved Policy RUD3 of the LP which seeks to guide residential development towards settlement boundaries.
14. Saved Policy ENV3 of the LP only permits forms of development considered acceptable for the reasonable needs of uses appropriate to the countryside, and that which would not affect the open character of the area. New build residential development is not a form identified as appropriate within the policy and given the introduction of substantial built form as proposed, the scheme would harm the openness of the area and therefore would be contrary to the requirements of the policy.
15. The proposal would therefore be contrary to CS1 and CS2 of the CS and saved policies ENV3 and RUD3 of the LP, and therefore the development plan taken as a whole. However, the appellant makes reference to a number of other material considerations of national policy they consider to outweigh the requirements of the development plan in this case.
16. The appellant has identified that the Council cannot currently demonstrate a 5 year supply of housing, as required by the Framework, with a suggested current supply of 2.48. The Council has not disputed this calculation and I recognise that the 'tilted balance' in paragraph 11(d)ii of the Framework would ordinarily be triggered. However, given my findings on the first main issue, and recognising the Framework's requirement to place 'great weight' on the conservation of heritage assets, I consider that the application of policies with the Framework to protect assts of particular importance provides a clear reason for refusing the development, in line with paragraph 11(d)i of the Framework. Therefore the 'tilted balance' is not triggered in this case.

17. I note that the proposal would involve the redevelopment of a tennis court within the garden of Temple Elfande and that both parties consider this previously developed land. I recognise the emphasis that the Framework places on the use of previously developed land, but its paragraph 117 also caveats this with the need to safeguard and improve the environment. I do not consider that the proposal would safeguard or improve the immediate historic or countryside environment and the use of land which may be considered previously developed would not outweigh the harm the I have identified.
18. I appreciate that the proposal would be a self-build for the appellants and contribute to the supply of units from the sector. I also note that future housing supply for the district is likely to require greenfield and brownfield development to meet unmet demand. However, as a single dwelling the proposal would only make a minor contribution to supply and I do not consider this benefit to be to so significant as to lead me to a different conclusion.
19. The proposal would be contrary to policies within the development plan which seek to protect the countryside. I do not consider these other material considerations, alone or in combination, to represent such significant considerations to persuade me to deviate from the development plan in this case.

Other Matters

20. I am aware that the proposal has been reduced from a previous scheme, and that further reductions have been presented to the Council. However, I must consider the proposal as before me and have found development to be unacceptable for the reasons given.

Conclusion

21. Therefore, for the reasons given above, I conclude that the appeal is dismissed.

Tim Crouch

INSPECTOR