
Appeal Decision

Site visit made on 20 December 2021

by Martin Chandler BSc, MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 January 2022

Appeal Ref: APP/Y3615/D/21/3278287

Inner Court, Pewley Hill, Guildford GU1 3SP

- 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 Messrs D & C Beaghan & Taylor against the decision of Guildford Borough Council.
 - The application Ref 20/P/00941, dated 10 June 2020, was refused by notice dated 13 April 2021.
 - The development was originally described as: 'a proposal to infill the Concrete Moat which sits around two sides of the house for safety and preservation reasons; attached document has full details of the proposal.'
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the heritage asset, having regard to the requirements of local and national policy.

Reasons

3. Based on the evidence before me, the appeal site is situated within an area of high archaeological importance. The moat has a clear association with Pewley Fort, a late 19th Century mobilisation centre that formed part of the London Defence Scheme devised in the 1880s. The Fort was one of a series of structures that were built across south and east London, and a number of these are now Scheduled Ancient Monuments. The evidence demonstrates that Pewley Fort has been acknowledged as being of national importance, but due to previous residential development, the site has been altered to such a degree that it is not worthy of being Scheduled. This includes much of the moat having already been infilled.
4. Due to its lack of specific protection or designation, using the terms of the National Planning Policy Framework (the Framework), the moat should be classified as a non-designated heritage asset. Much of the moat has already been infilled, most likely related to previous residential development, however, as identified above, the element that has been retained has demonstrable historic value.
5. Paragraph 203 of the Framework confirms that the effect of a proposal on the significance of a non-designated heritage asset should be taken into account in determining the application. It goes on to state that in weighing such proposals, a balanced judgement will be required having regard to the scale of

any harm or loss, and the significance of the asset. However, Footnote 68 of the Framework also states that non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.

6. The archaeological value of the site is clear, although the extent of its value is not entirely common ground between the parties. Despite this, due to its similarity to, and association with other sites in different locations which are Scheduled Ancient Monuments, I am satisfied that the approach identified in Footnote 68 is the appropriate way in which to assess the proposal.
7. On this basis, due to the nature of the proposal which would be reversible and would seek to demark the location of the moat, I agree with the Council that the proposal would cause less than substantial harm to the heritage asset. Consequently, Paragraph 202 of the Framework requires that this harm be weighed against the public benefits of the proposal.
8. In terms of public benefits, the evidence makes it clear that ongoing health and safety concerns are a primary driver for the proposal. The moat is a large and deep feature adjacent to the amenity space of the existing dwelling, as well as neighbouring houses. Consequently, it does present a risk. However, it is currently enclosed and therefore access is restricted from all adjacent properties. Access to the enclosed area could be achieved if desired and the moat does have a substantial presence with land levels that do present a hazard. However, I have not been presented with any specific or compelling evidence that safety has been genuinely threatened at the site. The moat is in private ownership and access would appear to be successfully managed. I do not dispute the risk, but in my judgement, ongoing management of the site to restrict access can suitably mitigate this concern.
9. I also note that the condition of the moat is deteriorating and is likely to need some repair work in the short to medium term. The proposal could safeguard the condition of the moat, and if undertaken in a managed way, would likely be reversible, albeit such work would be a substantial undertaking. However, the proposal would appear to represent a radical approach to repair work, literally burying the problem rather than seeking to restore the condition of the moat, however difficult such a task would be.
10. When considering the public benefits of the proposal, based on the evidence before me, I only attach limited weight to them. I see no reason why the safety concerns could not continue to be managed in the current manner, and I am not satisfied that the condition of the structure could not be treated in a less intrusive manner.
11. Paragraph 199 of the Framework requires that when considering the impact of a proposal on a designated heritage asset, great weight should be given to the asset's conservation. Although I have identified that the site represents a non-designated heritage asset, I am satisfied that the provisions of Footnote 68 ensure that these requirements are equally applicable.
12. Although the level of harm would be less than substantial, the works would be significant and intrusive. Accordingly, in my view, the level of harm would be at the higher end of the less than substantial harm scale. When giving great

weight to the asset's conservation, I am entirely satisfied that this outweighs the public benefits that have been identified by the appellant.

13. Even if I found that the provisions of Footnote 68 were not applicable, Paragraph 203 of the Framework still requires a balanced judgement having regard to the scale of any harm or loss, and the significance of the non-designated heritage asset. On this basis, for the reasons identified above, I still find that the balance lies with the asset, rather than the proposal. This is because the works would be substantial and intrusive, and I only attach limited weight to the benefits that would be accrued. I arrive at these findings fully aware of the view of the County Archaeologist. However, based on the evidence before me, I am not entirely satisfied that due regard was had to the correct balancing requirements of the Framework in the comments received. This reduces the weight that I attach to their findings.
14. Consequently, for the reasons identified above, I conclude that the proposal would have a harmful effect on the heritage asset and that this harm would not be outweighed by public benefits. The proposal would therefore fail to accord with Policies D1 and D3 of the Guildford Borough Local Plan (2019), and Saved Policies G5(3) and G5(9) of the Guildford Borough Local Plan (2003), as well as the requirements of the Framework. Taken together, these seek amongst other things, proposals which conserve and enhance the historic environment in a manner appropriate to its significance.

Conclusion

15. The appeal should be dismissed.

Martin Chandler

INSPECTOR