



---

## Appeal Decision

Site visit made on 4 November 2025

by **S Sharp BSc(Hons) BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24<sup>th</sup> November 2025

---

**Appeal Ref: APP/C3620/D/25/3369993**

**The Mount, Rookery Hill, Ashstead, Surrey KT21 1HY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr and Mrs K & K Tilly against the decision of Mole Valley District Council.
  - The application reference is MO/2025/0281/PLAH.
  - The development proposed is the erection of a retaining wall, fencing and associated works.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. An Ecology Note is included in the appellant's submission in response to the Council's second reason for refusal. I have had regard to that Note prior to reaching my decision.

### Main Issues

3. The main issues are: -
  - The effect of the proposed wall on the character and appearance of the Rookery Hill Residential Area of Special Character.
  - The effect of the proposed development on protected species, specifically great crested newts.

### Reasons

#### *Character and Appearance*

4. There is common ground between the parties on the effects of the proposed fencing and gates on the character and appearance of the area. I find no reason to take a different view on this matter. It is the effect of the proposed wall on this character and appearance that is in dispute.
5. The appeal site sits within one of two groups of dwellings that collectively form the Rookery Hill Residential Area of Special Character as identified in the Mole Valley Local Plan 2020-2039 (2024). The group comprises of individually designed detached dwellings, set back from the road within medium sized plots, with established landscaping, that overlook the open grounds of the City of London Freeman's School, part of the Ashstead Park.
6. The dwelling and front garden at the appeal site are elevated above road level with the front lawn retained by a stone wall supplemented by timber sleepers. Neither

the sleepers or the existing wall rise above lawn level or appear incongruous in this location. The elevation of the dwelling above road level is common to the dwellings immediately to the west of the appeal site, albeit there are differing methods for managing the transition between the levels. None of these include a retaining wall of the height proposed. Springfield, the property immediately to the appeal site's west, does include a retaining brick wall along the frontage but this is no higher than the existing retaining structures at the appeal site, and most of the transition in levels is characterised by sloping ground.

7. To the east of the appeal site, front gardens and dwellings are sited at similar levels to the road without the need for retaining structures. There are examples of brick walls on front boundaries, such as at The White House and Langley House, but these are low structures, subservient to hedges and other established soft landscaping. The prevailing character for frontages is one of openness or enclosure by established soft planting, including hedgerows.
8. In the wider locality, I noted there are other examples of brick walls along plot frontages. To the west these include those at Nyetimber and Bracken House, which are towards the Park Lane end of Rookery Hill, and fall within the other group of dwellings within the Rookery Hill Residential Area of Special Character. The wall at Nyetimber was noted to be, in part, retaining the ground within this plot and also extended to 15 courses of brickwork at its western end. However, it was noticeably much lower at the eastern end which significantly reduces its visual impact.
9. The Old Headmaster's House and East Lodge, both east of the appeal site, also include boundary walls. These are outside of the Residential Area of Special Character and read and function as part of the boundary to Ashted Park, rather than being front garden means of enclosure.
10. In this context, I acknowledge that retaining structures are part of the prevailing character and appearance of the area, the existing wall and wooden sleepers at the appeal site being one such example. However, the combination of the height and width of the proposed wall, prominently visible from the road, would be materially different from the characteristic combinations of lower walls, hedges and sloping ground that prevail in the area. It is this proposed height and width that would result in the wall appearing as an unduly prominent and incongruous form of development, having a harmful effect on the area's character and appearance. The use of a brick to match the dwelling's facing brick does not alter my conclusions on this matter.
11. I therefore find that the proposed development would conflict with the provisions of policy EN7 of the Mole Valley Local Plan 2020-2039 (2024) which is specific to Residential Areas of Special Character and, amongst other criteria, advises that street frontages should be in keeping with the existing street scene, and reflective of the particular character of the area. Similarly, I find conflict with policy EN4 of the same Local Plan which requires development to complement the character of the area, responding to the prevailing pattern of development.

### *Protected Species*

12. The appeal site lies within a red impact zone for great crested newts. This means that there is a high probability that these protected species are present because it is a highly suitable habitat. The Ecology Note submitted by the appellant has been

prepared by a suitably qualified ecologist and includes a Precautionary Working Method Statement (PWMS). The Council's ecology consultee's response, as reported verbatim in the officer's report, advised that a full ecology report was not necessary due to the scale of the development proposed, and a PWMS would be appropriate.

13. The submitted PWMS includes a methodology to safeguard any great crested newts which may be present during the construction phase of the development. If I had been allowing the appeal, I would have asked both parties to comment on a condition to secure the implementation of the PWMS. With such a condition secured, there would be accordance with policy EN9 of the Mole Valley Local Plan 2020-2039 (2024) which requires that developments include measures to retain, protect and enhance, amongst other things, significant habitats and species.

### **Other matters**

14. The Council's submissions include a copy of the Ashstead Neighbourhood Plan 2015-2026 (2016). This Plan highlights that Ashtead Park, including the land on the opposite side of the Rookery Hill road to the appeal site, is a grade II registered park and garden. It also confirms that Ashtead Park House, now part of the City of London Freeman's School, is a grade II listed building. I have had special regard to the effect of the proposal on the setting of these designated heritage assets, concluding for both that there is no harm to their significance and their settings are preserved.

### **Conclusions**

15. I conclude that the potential impact of the proposed development on great crested newts could be mitigated by the imposition of, and accordance with a suitably worded condition requiring the construction phase of the development to comply with the provisions of the PWMS. However, for the reasons above, there would be harm to the character and appearance of the Rookery Hill Residential Area of Special Character. This would result in conflict with policies EN4 and EN7 of the Mole Valley Local Plan 2020-2039 (2024). Overall, I find that the proposed development would conflict with the provisions of the development plan as a whole and there are no other considerations which outweigh this finding. The appeal is dismissed.

*S Sharp*

INSPECTOR