

HERITAGE REBUTTAL STATEMENT CONCLUSIONS

PREPARED BY ARCHWAY HERITAGE

This section summarizes the key findings regarding policy compliance, public benefits, and the identified harm associated with the proposed development at Moore Place Golf Club, Esher.

6. Conclusions (Extracted from Appendix 5 - Heritage Rebuttal Statement)

6.1 General

This section assesses the policy compliance and public benefits associated with the Proposed Development. As the applicant has failed to acknowledge the proposal's negative impacts, the disbenefits and resulting harm identified within this Rebuttal are summarised here for convenience.

6.2 Policy CS17: Local Character, Density and Design

The development, with up to 206 dwellings, would result in a permanent urbanising encroachment which does not enhance the existing parkland character. Nor does it integrate sensitively with the locally distinctive townscape, and nearby Heritage Assets. The height and density parameters fail to integrate with the rural setting, thereby detracting from the historic town's Significance.

6.3 Policy CS14: Green Infrastructure

By stripping out trees, grading the land and introducing alien features, the design approach fails to protect and enhance local landscape character, and key features. This approach negatively impacts on the historic town's open setting. The Applicant's claim of a 'moderate' contribution is likely an attempt to qualify the land as 'Grey Belt'. To be 'Grey Belt', land must not strongly contribute to Purposes (a), (b), or (d). However, the Applicant's HA fails to recognise the historic links between the manorial estates, their parklands and Esher town. In doing so, it fails to recognise this spatial context and the importance of the setting since settlement began to the present time. Moreover, it fails to acknowledge the existing 'soft edge' and the contribution of openness and topography that the Site offers to the historic town, which would be permanently adversely impacted by the Proposed Development. This fails to recognise the openness offered by the historic parkland and now the Moore Place Golf Club to the Conservation Area, particularly the area physically abutting the Site. Furthermore, it fails to recognise the contribution offered by the openness of the Site, given the severance of the historic landscape by the modern expansion of Esher. This is the reason for Green Belt protection.

This Rebuttal concludes that the Site makes a strong contribution to Purpose (d) because it acts as a surviving landscape morphology that defined Esher for centuries. If the land 'strongly contributes' to Purpose (d), it cannot be classified as Grey Belt, and the 'Very Special Circumstances' (VSC) test remains the much higher bar for approval. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and the associated Heritage Assets.

6.4 Policy DM12 - Heritage

Development to, or within the curtilage or vicinity of, a listed building or structure should preserve or enhance its setting. Far from preserving or enhancing its setting, the Proposed Development would cause harm through an irreversible negative change. This Site provides a 'soft edge' and a functional buffer that protects Esher's identifiable historic 'hard edge'. Developing this land would blur the historic boundary, causing permanent harm to the town's special character. This is a strong contribution because the setting was designed to be open with tree-lined avenue views. The woodland belts follow 19th-century estate boundaries, preserving the 'time depth' and its scale. The recent planning Inspector's decision for the nearby 1-5 Hillside site confirmed that the openness of this specific parkland is vital.

6.5 Policy CS1 - Spatial Strategy and Policy CS9 - Esher

These policies require that all new development will be expected to enhance local character. New development must be delivered in accordance with a spatial strategy that respects the unique character of the Borough and the local distinctiveness of individual settlements. The Site makes a strong contribution to Purpose (d) because it acts as a buffer to that local distinctiveness. Proposed location, use, and scale should take account of the existing characteristics, role, and function of individual settlements and sites. The Proposed Development is located in a highly sensitive location that cannot tolerate further change without altering its character. This identifies that the Proposed Development does not align with the spatial strategy's focus on respecting the unique character and protecting the green infrastructure network.

6.6 Policy DM20 – Open spaces and views

Development should take account of the setting, character and amenity value of the view or landmark. The HA omitted an assessment of an Important View. This is contrary to the policy's requirement, which stipulates that it is important not to adversely affect strategic views.

6.7 Public disbenefit

The Proposed Development, which comprises up to 206 dwellings represents a significant and permanent urbanising encroachment on the historic town's open setting. This Rebuttal has articulated the morphological links and historic "time depth" contributing to a persistent character via ancient boundaries, tree-lined avenues creating viewpoints and woodland. The Site is a lasting link between the town and its historic setting. The Green Belt (Purpose D) is activated to protect the town's special character and its defining hard and soft boundary edge. The introduction of dense, modern residential housing would directly impact the Site as a parkland, its associated Heritage Assets and settings.

6.8 Harm identified

This Rebuttal concludes that the Proposed Development would lead to levels of substantial harm and less than substantial harm to this Significance. Paragraph 212 of the NPPF (2024) requires the local planning authority to give great weight to the asset's conservation when considering the impact of a Proposed Development on the Significance of designated Heritage Assets, including any contribution made by its setting. The more important the asset, the greater the weight should be.

NPPF paragraph 11 guides the presumption in favour of sustainable development. "Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means: where there are no relevant development plan policies, or the policies which are most important for

determining the application are out-of-date, granting permission unless: (then) the application of policies in this Framework ... protect areas or assets of particular importance provides a strong reason for refusing the development proposed.”

Those assets are listed under NPPF footnote 7 as: “... designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75)”

In turn this cross-refers to NPPF paragraph “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.”

It is our professional opinion that the Proposed Development fails to meet the statutory requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 and contradicts the "presumption in favour of sustainable development" as defined in Paragraph 11 of the NPPF. Due to the failure to acknowledge the Site's contribution to the historic town of Esher and its designated assets, the Site must be excluded from 'Grey Belt' considerations under NPPF Footnote 7. Under NPPF Paragraph 11(d), the "tilted balance" (the presumption to grant permission when policies are out-of-date) is explicitly disengaged if the application of Framework policies that protect areas or assets of particular importance provides a clear reason for refusal. Designated Heritage Assets are specifically listed as protected assets.

Great weight should be given to the asset's conservation. Any harm to, or loss of, the Significance of a designated Heritage Asset, including through development within its setting, requires "clear and convincing justification". The Applicant's HA erroneously claims "no harm", thereby attempting to bypass these protections. Therefore, the HA is legally and factually flawed, and is insufficient to allow the Local Planning Authority to discharge its legal duties for the following reasons. It has an inadequate scope because it focuses narrowly on visibility and screening. It fails to account for the Site's openness, scale, and depth, which are fundamental to its parkland character in the setting of Esher. It is not compliant with Historic England's Good Practice Advice Note 3 stipulates that "setting" is not just a visual matter; it should include the historical relationship and the experience of the asset. The HA fails to define parameters sufficiently to assess the wider effects on the historic town's form and appearance. The current HA provides an insufficient evidentiary base for the Council to fulfil its duty to have "special regard" for protected assets under the 1990 Act.

Esher is a historic town of 13th-century origin, with 19th-century estate boundaries that remain legible today. The Site provides a critical functional and morphological link between the urban core with its hard edge and the surviving parkland characterised by its soft edge. Moreover, previous cumulative changes mean the historic landscape has reached a saturation point; further change cannot be tolerated without the total loss of Significance. Furthermore, the Proposed Development impacts multiple designated Heritage Assets, Esher Conservation Area and others. Therefore, it meets the exclusion criteria in the NPPF definition of 'Grey Belt' via Footnote 7.

Contrary to the Applicant's findings, this Rebuttal identifies a graduated but severe spectrum of harm. The Inspector's decision regarding 1-5 Hillside, Portsmouth Road serves as a critical precedent. The Inspector confirmed that the openness of the parkland and the approach along Portsmouth Road are highly sensitive attributes. Moreover, the preservation of a manorial setting and Green Belt identity takes precedence over housing delivery, even on land with previous built forms. Furthermore, the current proposal mirrors the failures of the Hillside application by threatening the "hard and soft edge" between the town and the parkland.

The Applicant's assessment of "no harm" is unsustainable. Following the Forge Field ruling, heritage harm must be given "considerable importance and weight" in the planning balance.

Given that the Proposed Development would result in substantial and less-than-substantial harm to Grade I and Grade II assets, there is a strong presumption against approval. The Site does not meet the criteria for Grey Belt development and the application should be refused to preserve the integrity of Esher's historic environment.

In accordance with National Planning Policy Framework (NPPF) Paragraph 215, where less than substantial harm is identified this harm must be weighed against the public benefits of the Proposed Development, including, where appropriate, securing its optimum viable use. Furthermore, the proposal infringes multiple objectives within the Elmbridge local policy framework, as detailed below. The Proposed Development presents a public disbenefit by failing to comply with local planning policy objectives for the protection of heritage and local character. The harm to the historic town's setting conflicts directly with the aim of sustaining and enhancing the Significance of Heritage Assets and putting them to viable uses consistent with their conservation.

The full heritage rebuttal statement is available on the planning portal as part of a 287 page document which includes all the ET appendices.

<https://edocs.elmbridge.gov.uk/IAM/IAMCache/4851938/4851938.pdf>

