



**Appeal Ref: APP/ M3645/W/25/3374913**

**LPA Tandridge District Council Ref: TA/2023/1281**

**Appeal by Nutfield Park Developments Ltd**

**Former Laporte Works, Nutfield Road, Nutfield, Surrey, RH1 4HG**

**Rebuttal Proof of Evidence: Heritage**

**CD 11.24**

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on behalf of Nutfield Park Developments Ltd**

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# 1. Introduction

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1.1 I am Andrew Josephs, Managing Director of Andrew Josephs Associates. My qualifications and experience are set out within my main Proof of Evidence (CD 11.6).

1.2 This rebuttal raises no new issues and only seeks to rebut points raised in the Heritage Proof of Evidence of Ms. Gardener (CD 12.4), on behalf of Tandridge District Council.

1.3 I do not offer a response to all issues raised in Ms. Gardener's Proof of Evidence, however this should not be taken as acceptance that I agree with all other elements of that Proof. Furthermore, I have not repeated points already made in my own Proof of Evidence.

1.4 The evidence that I have prepared and provide within this rebuttal Proof of Evidence is true and has been prepared and is given in accordance with my professional experience, irrespective of by whom I am instructed.

## 2. Scope of the Rebuttal

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2.1 This Rebuttal focuses on two matters that are key considerations in the evidence of Ms. Gardener.

A. That the woodland to the west of the Church of St Peter and St Paul, and to the north of Folly Tower, and within which the proposed Integrated Retirement Community (IRC) will be situated, is historic.

B. That footpath NTF 571, to the west of the Church, was an historic connection between the Appeal Site and the Church.

2.2 In **Section 3**, I identify where the woodland is described in Ms. Gardener's POE as historic and where its historic association with the Church and Folly Tower is claimed to be significant in their setting and significance. I then present evidence to rebut the assertion that the woodland is historic.

2.3 In **Section 4**, I examine the contention that footpath NTF 571 is historic and has a direct bearing on the significance of the Church and its setting, and I present cartographic evidence to rebut this assertion.

2.4 In the discussion below, I have highlighted in blue font where I reference a quotation from Ms. Gardener's POE.

### 3. The Woodland

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3.1 The woodland is described as 'historic' in several places within Ms. Gardener's POE. I would respectfully draw the Inspector's attention to the following paragraphs where Ms. Gardener (*blue text*) relies upon the assertion that the woodland is historic and fundamental in the setting and significance of the designated heritage assets:

3.2 *The woodland belt to the north of the Folly and south west of the church is clearly discernible in both images illustrating the survival of the historic wooded and rural context (para 3.12).*

***In relation to the Church:***

3.3 *As the historic background section, including map regression; has shown, there has been little change to the setting of the church by way of built development. The extraction of Fullers Earth would have affected the setting of the church whilst operational, due largely to the noise of the process, however it is considered that there was sufficient buffer retained by way of woodland to visually screen the works area. This is clearly demonstrated by way of the Google images dated December 1945 and December 1999 above (Figs 6 & 7), (para 3.23)*

3.4 *I deal at first with the earliest change, the extraction of Fullers Earth. The historic map regression and indeed the satellite image of 1945 clearly show that the proposed site for the Integrated Retirement Community remained wooded in the south east corner of what is now the Appeal Site and along the southern boundaries with the properties aligned to the High Street, the operation area being located to the north and west. It is therefore clear that the woodland in this part of the appeal site was retained, (para 3.24)*

***In relation to Folly Tower:***

3.5 *Only its north and northeastern aspect retains its historic context of a rural wooded landscape, (para 3.59).*

3.6 *.... the wooded backdrop to the Folly in views to the north and north east contributes positively to its setting, providing the only remaining historic association between the listed building and its bygone rural landscape. Whilst I conclude therefore that the contribution that the setting of the Folly makes is limited, the value of the woodland setting of the Appeal Site still provides historic context and past rural associations with the landscape, (para 3.64).*

3.7 *The development of the Appeal site (Integrated Retirement Community Housing) would permanently end any sense of connection to the woodland and rural character, severing the ability to appreciate the centuries old historical*

*functional and associational relationships of the building with this land, (para 4.21)*

**In relation to the Conclusion**

3.8 *I conclude, that the proposed development would result in the loss of the historic woodland landscape features which form the retained setting of the designated heritage assets, (para 5.2).*

3.9 *The appeal proposal causes unacceptable levels of harm to the significance of the heritage assets, and that in the case of The Folly will result in the comprehensive loss of the last remaining historic association to the rural woodland setting, (para 5.4).*

**Rebuttal**

3.10 Cartographic evidence included within Ms Gardener’s POE does not support the contention that this is historic wooded land.

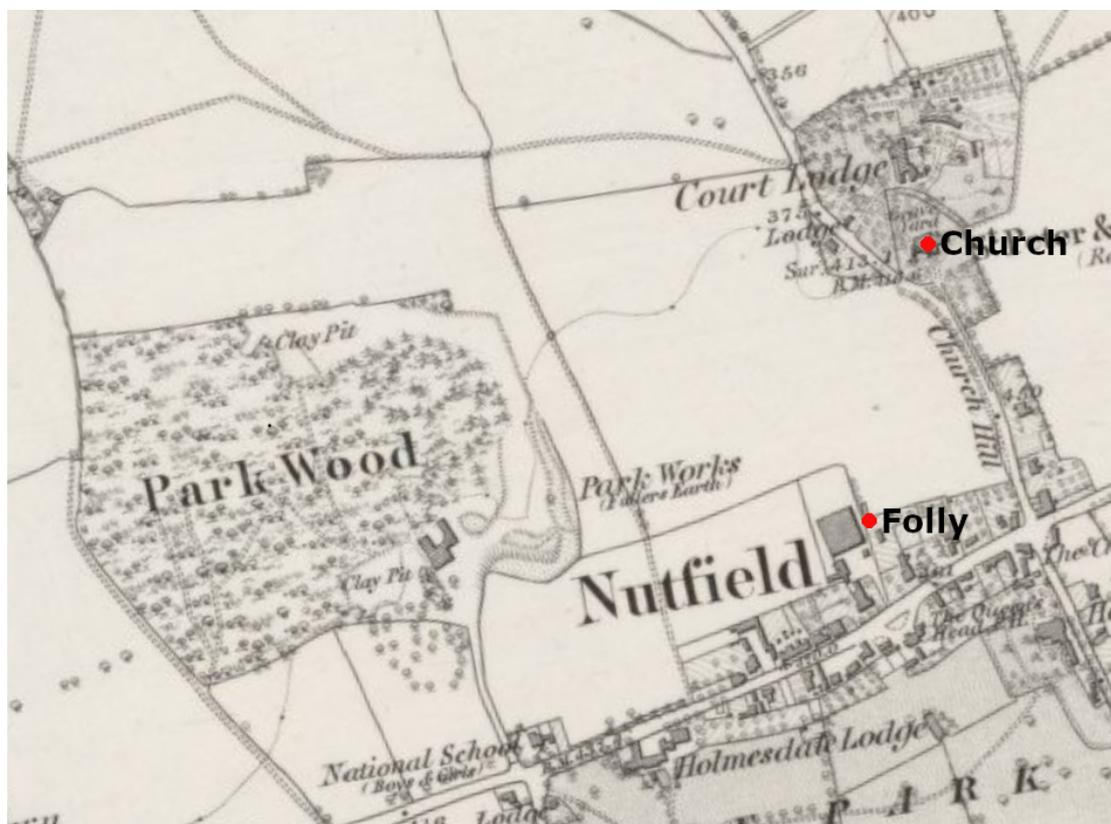
3.11 The tithe map of 1843 (Figure 1 in Ms. Gardener’s POE, **Figure 1 below**) shows the IRC part of the Appeal Site to be within one parcel of land, reference 178. This is described as “arable” in the tithe apportionment, the extract being included below.



The Butlers Earth	James Hudson	118	Brookers Meadow	Meadow
Union Limited	and others	119/2	Court Lodge Meadow	d
		125	Marchants Field	Arable
		129	3 <sup>d</sup> Meadow	Meadow
		185	Plot	d
		156	Shaw	Wood
		165	Court Lodge Farm Buildings	
		177	Beach Lands	Arable
		178	Home Field	d
		179	Part Field	d

**Figure 1 Tithe Map, 1843 and Apportionment**

3.12 The Ordnance Survey of 1861 (**Figure 2**) likewise shows an Appeal Site free of trees. There are no trees or woodland to the west of the Church or north of The Folly. This should be contrasted with detailed representations of woodland within the Churchyard, Court Lodge to its north and Park Wood to the west.



**Figure 2** Ordnance Survey 1861

3.13 On the mapping of 1895, a small area of trees to the north-west of Folly Tower can be seen occupying an area of old workings, (Ms Gardener's POE Figure 2, Figure 3 below). No trees or woodland are shown between the proposed IRC and the designated assets, nor in the remainder of this part of the Appeal Site. It is likely that the unworked part of the Appeal Site remained as arable land.

3.14 By 1934 (**Figure 4**), the north west part of the parcel containing the proposed IRC is being worked, and the remainder of the land is shown as rough ground with occasional trees. This mapping would suggest that the ground has been worked and restored.

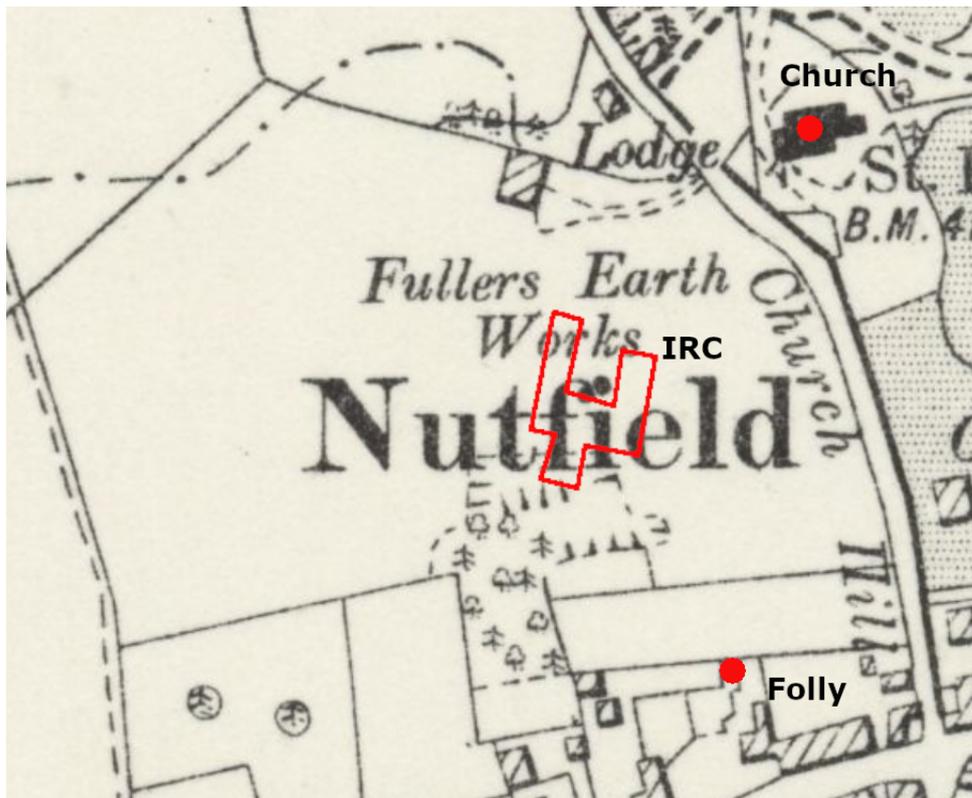


Figure 3 Ordnance Survey 1895

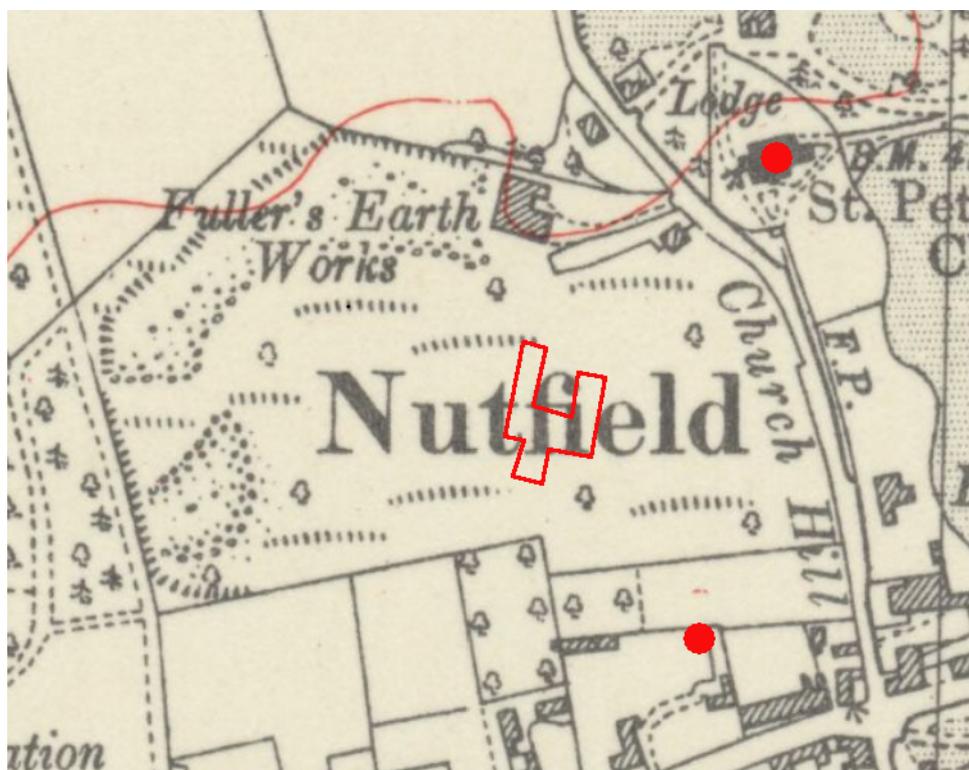


Figure 4 Ordnance Survey 1934

3.15 Aerial photographs of 1945 (Ms Gardener's POE Figure 6, **Figure 5 below**) and 1999 have been cited by Ms. Gardener as evidence that "*the woodland belt to the north of the Folly and south west of the church is clearly discernible in both images illustrating the survival of the historic wooded and rural context*", (para 3.12)

3.16 Whilst the aerial photograph of 1999 does show mature woodland, that of 1945 in fact shows young and sparsely dispersed trees in a predominantly open setting. Mature trees can be seen beyond the Site identified by their dark hue and conjoined canopies, notably around the Church, Court Lodge and in Park Wood, that lie outside the red line **Figure 5**.



**Figure 5** Aerial photograph, 1945

3.17 Conclusive evidence of the extent of workings and rough restoration of the land is provided by LiDAR<sup>1</sup>, **Figure 6**. This confirms that all the land within the parcel north of Folly Tower and west of the Church has been worked. This is most likely to have occurred between the mappings of 1895 (when the

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<sup>1</sup> LiDAR (Light Detection and Ranging) has been used increasingly to identify undulations and earthworks within wooded environments. Topographical LiDAR consists of scanning the ground with a laser range-finder fitted to an aircraft. This emits light towards the ground surface, which returns to the sensor immediately after hitting the object, giving an exact measurement of its distance and produces a map showing ground relief, which is shaded, as in Figure 6. The results are not affected by tree cover.

workings are shown as commencing) and 1934 (where the ground is shown as rough).

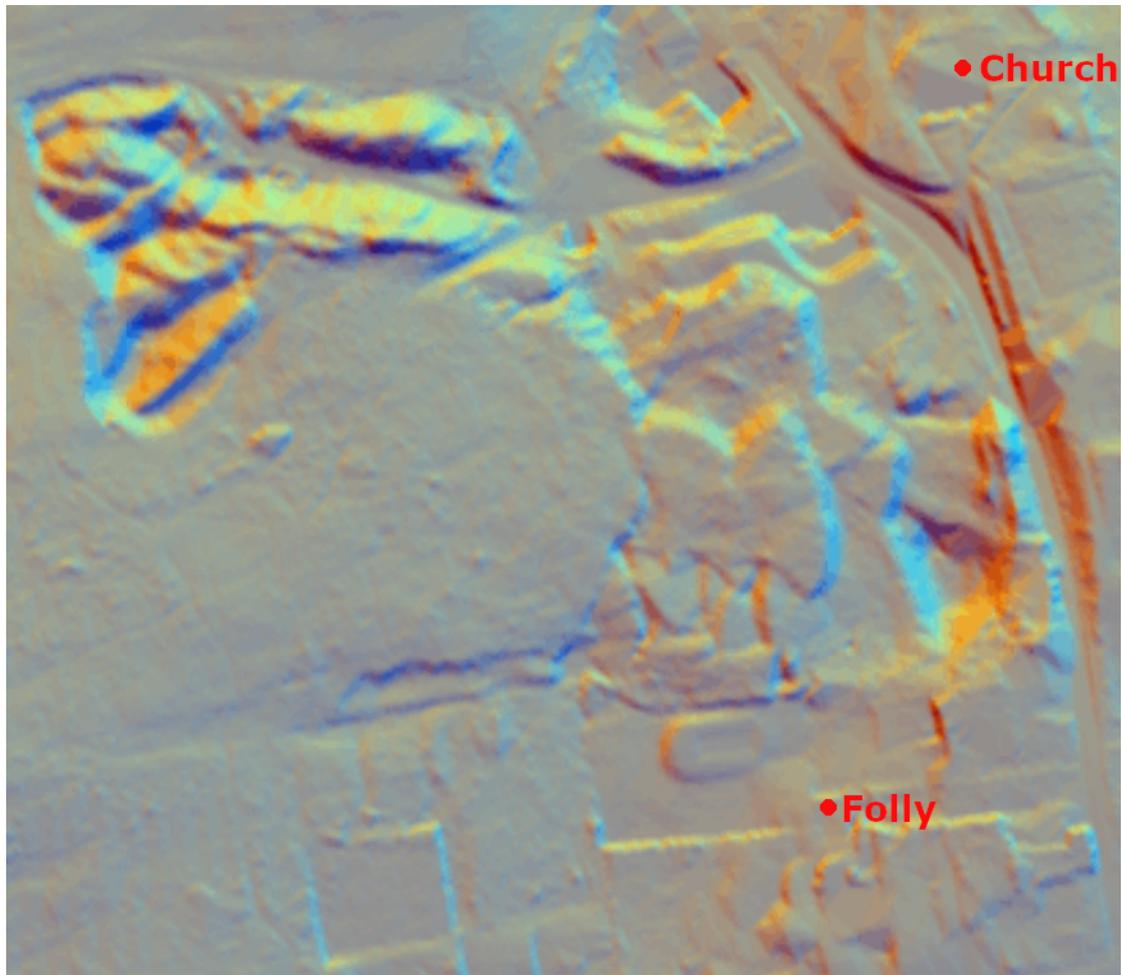


Figure 6 LIDAR (Digital Terrain Model, 0.5m-1m interval). Source National Library of Scotland. [https://maps.nls.uk/geo/explore/side-by-side/#zoom=16.4&lat=51.24088&lon=-0.12598&layers=6&right=LIDAR\\_DTM\\_1m](https://maps.nls.uk/geo/explore/side-by-side/#zoom=16.4&lat=51.24088&lon=-0.12598&layers=6&right=LIDAR_DTM_1m)

### Thinning out of woodland

3.18 Ms. Gardener's proof states in a number of places (including paragraphs 3.15 and 3.50) that trees will be thinned out or removed increasing visibility between the Appeal Site and the church, thereby affecting the significance of the Church through impact upon its setting. The Appeal Site has been subject to careful tree survey and assessment, to feed into the evolving proposals. Whilst there would be some tree removal, these are mainly of younger and lower quality trees from the more open area within the site, where the IRC is proposed. The tree retention and loss are shown on the Tree Retention plans

within the Arboriculture Assessment, CD 1.4-1.8. Table 2 (CD 1.4) and the Tree Retention Plan (CD 1.6 & CD 1.7) are useful to note, in particular.

3.19 Ms Gardener notes at para 4.5.

“Having studied the arboricultural information I have been unable to ascertain the extent of loss for this particular area, as the numbers given relate across the entirety of the development site.”

3.20 The tree retention plans within the report (CD 1.6 & CD 1.7) clearly show which trees will be retained and which will be removed. These plans show the retention of the more mature and better-quality trees around the perimeter of the site for the IRC. Strong tree buffers would be retained between the IRC and the Church and the Folly to the south. Some visibility may be possible especially in winter, but the views will be heavily filtered by existing retained vegetation. If there are localised gaps in the planting, new understory can be provided.

## **Conclusion**

3.21 The land to the west of the Church and north of The Folly was not wooded until after the cessation of mineral extraction that commenced circa 1895 and was ongoing in 1945.

3.22 Prior to mineral working this part of the Appeal Site was an arable field with no woodland.

3.23 The thinning out of trees would involve immature or lower quality trees and a buffer of mature trees would remain between the Church and the IRC both within the red line boundary and beyond the site boundary.

## 4. Footpath NTF 571

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4.1 Footpath NTF 571 (hereafter ‘the footpath’) is referred to as ‘*historic*’ in several places within Ms. Gardener’s POE (*blue text*), but, in particular, I would highlight the following paragraphs where it is clear that the footpath is considered to be an important connection between the Appeal Site and the Church (and the countryside beyond) and has a direct effect upon the significance of the Church and its setting:

4.2 *In addition the established footpaths through the woodland retain historical value, informing how aspects of life can be connected to the present day.*

4.3 *The established footpaths that again were in use at the time of the First Edition Ordnance Survey maps show a connectivity through the woodland to the church and vice versa, establishing that historically there has always been a level of intervisibility between the church and the Appeal site.*

4.4 *The current adopted footpaths can be seen on the historic Ordnance Survey maps and inform of their past use enabling the rural community to walk to the Church for worship. Footpath 571 and 188 afford an easy travel route by foot leading directly to the churchyard from both the west and the north east. I therefore consider that there is a historic connection between the appeal site and the church which is reinforced in the views along those footpaths where the church and its spire come into view.*

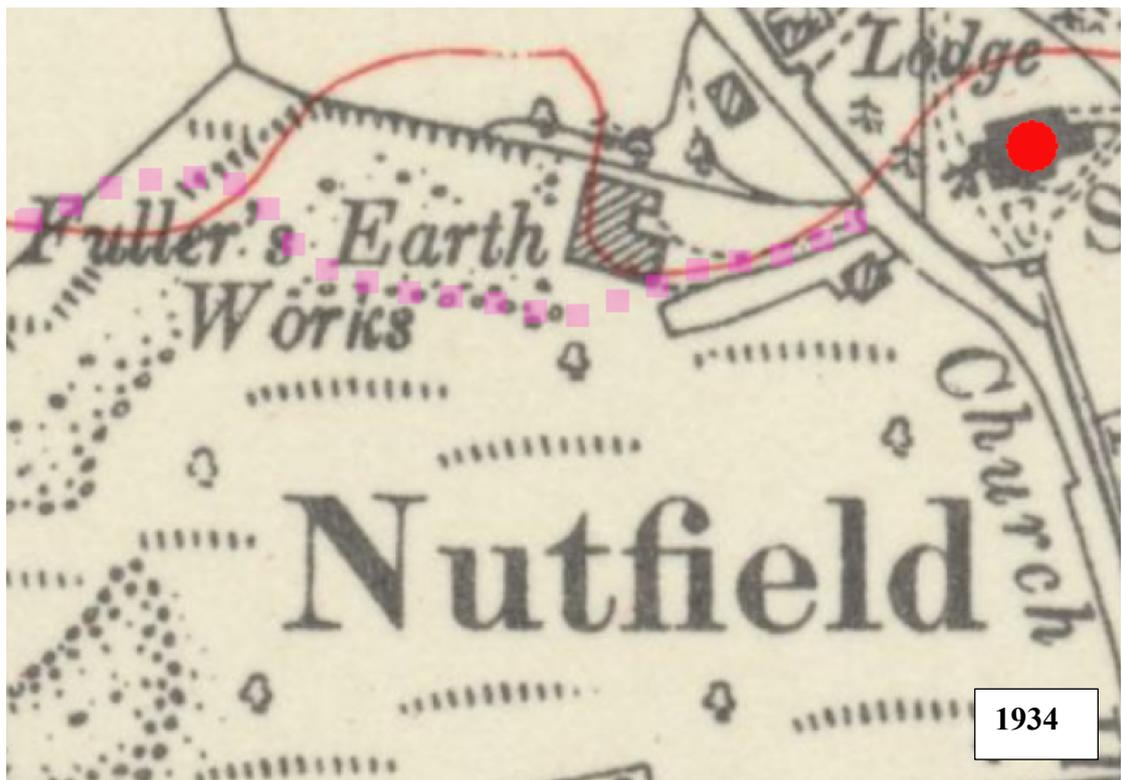
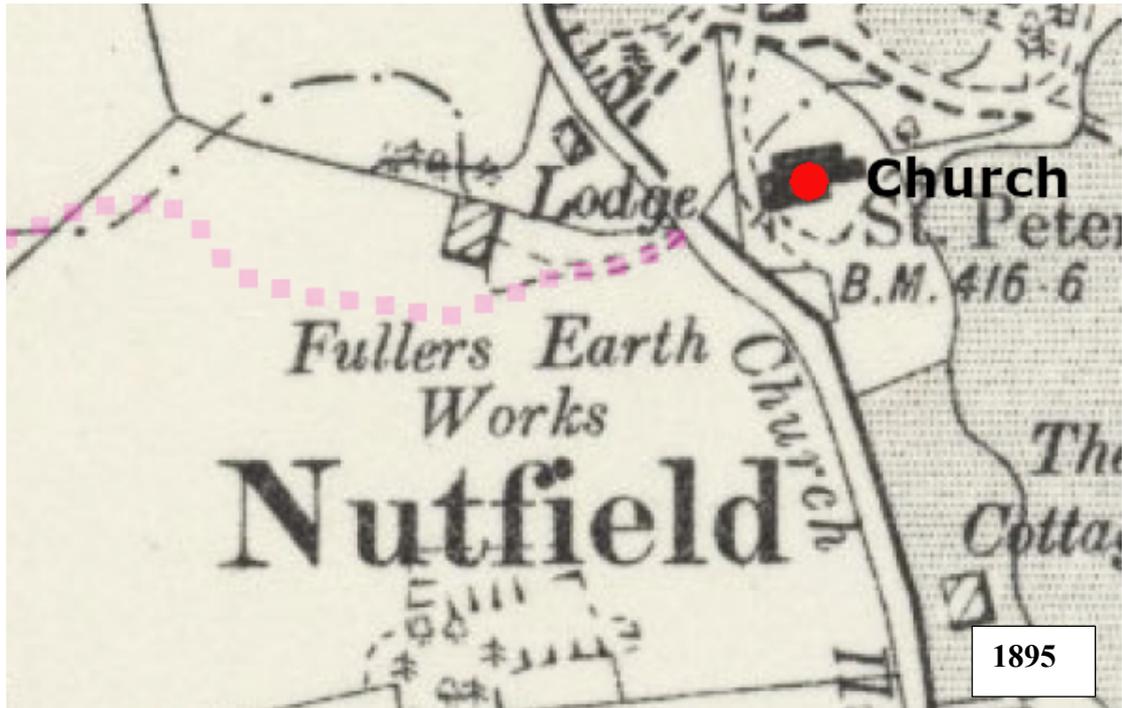
4.5 *The impact of the appeal scheme on the significance of the church of St Peter and St Paul would be an erosion of its historic interest and legibility as a medieval church, with historic connections through the woodland, which has stood for centuries as the focus of a small rural enclave (of a church and cottage), surrounded by woodland. The appeal scheme would transform the relationships (historic, associative, experiential and visual) between the church and its rural wooded setting, which contains historic approaches from the West from which the church can still be experienced.*

### Rebuttal

4.6 As can be seen on **Figures 1-4** above, there is no footpath within the eastern part of the Appeal Site, nor any footpath heading towards the Church from the West.

4.7 Footpaths within the parish in 1861 are shown highlighted with a green dotted line on **Figure 7**. There are none within this part of the Appeal Site.





**Figure 8** Extracts from Ordnance Survey mapping demonstrating that footpath NTF 571 is modern and has no historical connection to the Church. The line of the footpath is superimposed with purple dots. At the eastern end, nearest the Church, the footpath now follows the former access to the Works. To the west it crosses an area of quarrying.

## 5. Conclusion

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### Woodland

5.1 Woodland became established only after the cessation of working and restoration. It is therefore not historic (being less than 100 years old) and has grown up on restored mineral workings. Map evidence shows that the land within this part of the Appeal Site was in arable cultivation from before 1843.

5.2 The woodland within the Appeal Site clearly post-dates the construction of the Church and Folly Tower, and there is no evidence of any precursor woodland. The woodland does not form part of the ‘historic setting’ of the designated assets, nor does it constitute “*the last remaining historic association to the rural woodland setting*” (Ms.Gardener, POE paragraph 5.4), that being arable, and then industrial.

5.3 Thinning out of immature and low-quality trees would have no effect upon the significance of the Church.

### Footpath NTF 571

5.4 The footpath is modern, dating from after 1945. The land it crosses was worked for mineral and restored, and map evidence shows that after closure of the Fullers Earth Works, the footpath partly used the access road to the Works near where it approaches the Church. There were no precursors to this footpath and no evidence that any footpath or route served the Church from a westerly direction. The footpath therefore has no historical connection with the Appeal Site and the Church, nor any bearing on the significance of the Church or its setting.

### Conclusion

5.5 I have demonstrated above that the reliance upon the erroneous conclusion that both the woodland and the footpath are historic has a significant bearing upon the conclusions reached in Ms. Gardener’s POE, notably at paragraphs 4.3 and 5.4:

*“The impact of the appeal scheme on the significance of the church of St Peter and St Paul would be an erosion of its historic interest and legibility as a medieval church, with historic connections through the woodland, which has stood for centuries as the focus of a small rural enclave (of a church and cottage), surrounded by woodland. The appeal scheme would transform the relationships (historic, associative, experiential and visual) between the church and its rural wooded setting, which contains historic approaches from the West from which the church can still be experienced”, (para 4.3)*

*“The appeal proposal causes unacceptable levels of harm to the significance of the heritage assets, and that in the case of The Folly will result in the comprehensive loss of the last remaining historic association to the rural woodland setting”, (para 5.4).*

5.5 I conclude that my interpretation of the recent history of the woodland and footpath is accurate, and that in relation to the setting and significance of the Church and Folly Tower my overall conclusion of harm remains at the lower end of less than substantial harm.



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