From: [redacted]
To: East 2
Subject: APP/Z3825/W/25/3376429 [DMHS-DMS.FID7741435]
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Dear Sir/Madam,
We write on behalf [redacted], interested parties in respect of the above appeal, which is proceeding by way of the written representation procedure.
We have now had the opportunity to review the Appellant's Final Comments submitted at the 7-week stage. As acknowledged by yourselves, these comments introduce new evidence concerning The Old Rectory. For the first time since making this application this is the first time that the Appellant has recognised The Old Rectory as a Non-Designated Heritage Asset. Notably, The Old Rectory was not recognised as a Non-Designated Heritage Asset within the Appellant's Heritage Statement submitted with the original planning application, nor was it recognised as such within the Appellant's Appeal Statement submitted at the commencement of this appeal. This new evidence was therefore not included in, nor referenced within, any of the Appellant's earlier submissions. This is an indication that the Appellant has failed to sufficiently realise the heritage impacts of the proposal and would point towards substantially greater credence being given to the heritage submissions made on behalf of our clients in respect of this Appeal.
We respectfully submit that this new evidence should be discounted by the Inspector when determining this appeal. Paragraph 9.5.7.1 of the Planning Inspectorate Procedural Guide: Planning Appeals - England (February 2026) is clear that comments submitted at the 7-week stage "should be concise and should not introduce new material or technical evidence". The purpose of the 7-week stage is solely to allow the parties to comment on representations received at the 5-week stage, and not to introduce substantive new evidence in support of their case.

The procedural framework exists to ensure fairness to all parties involved in the appeal process. Allowing new evidence to be introduced at this late stage would cause significant procedural unfairness to our client and other interested parties, who have been given only limited time to consider and respond to this material.

Furthermore, the appellant's original Appeal Statement should have comprised their full case, as required by the Procedural Guide. The appellant should not now be permitted to supplement that case with additional evidence at this late stage.
We therefore respectfully request that the Inspector disregards this evidence and determines this appeal solely based on evidence properly submitted in accordance with the procedural requirements.
Notwithstanding the above, and to protect our client's position, we enclose a heritage counter response to the DGC Heritage Rebuttal.

Should you require any further information or clarification in respect of this matter, please do not hesitate to contact us.
Yours faithfully,
[redacted]

Daniel Frisby | Associate Planner | [redacted] |
For and on behalf of DMH Stallard LLP
Origin One, 108 High Street, Crawley, West Sussex, RH10 1BD
[redacted]

Heritage Counter Rebuttal

Land to the Rear of the Rectory, High Street, Rusper, West Sussex

Application ref: DC/24/1835

PINS ref: APP/Z3825/W/25/3376429

Introduction

1. This Heritage Counter Rebuttal has been prepared by HCUK Group in response to the Appeal Rebuttal (AR) prepared by Deborah Gardener of DGC Historic Building Consultants Ltd, dated 3rd February 2026 in relation to the above Appeal submission. HCUK Group prepared the Heritage Impact Assessment (HIA) dated 20th January 2026 and submitted on behalf of Mr and Mrs Spiers, an objecting third party to the Appeal. A full background to the history of relevant heritage assets and impacts of the Appeal scheme on their significance is provided in that document. This Counter Rebuttal should be read in conjunction with the submitted HIA.

2. The purpose of this document is to address the points put forward in the AR at Section 3 which addresses The Old Rectory (Non-Designated Heritage Asset - NDHA).

3. As a general comment it is conspicuous that the Appellant has at no point attempted to undertake a GPA 3 compliant assessment of impact for the Appeal Development in relation to any of the affected designated heritage assets whether as part of the original heritage statement or the AR to which this Counter Rebuttal relates. Given that the Appeal Proposal would affect the setting of a grade I listed building, several grade II listed buildings and a non-designated heritage asset, it is incumbent on the decision maker to give due weight to impact assessments which follow National Guidance and best practice methodology, as is the case with

HCUK's HIA[1], to ensure that the Section 66(1) statutory duty is appropriately discharged. Assessments which have not adhered rigorously to National Guidance and best practice methodology are potentially less robust for the purpose of satisfying the relevant statutory duties.

Response to section 3 - The Old Rectory (Non-Designated Heritage Asset - NDHA)

4. The following Section considers the points raised in the AR at Section 3 with regard to the Old Rectory in order in which they appear in the AR.

Significance of the Old Rectory

5. While it is agreed, and acknowledged in the HIA, that the significance of the building derives primarily from its architectural and historical interest as outlined at paragraph 3.2 of the AR, there is no acknowledgement of the building's group value and strong architectural affinity and historic associations with St Mary's Church. The latter was rebuilt at around the same time as the Old Rectory in 1855 to the design of renowned church architect Henry Woodyer. Woodyer was a pupil of William Butterfield and a disciple of A. W. N. Pugin and the Ecclesiologists and is likely to have been responsible for the design of the Old Rectory based on its use of archaeologically correct gothic motifs, other ornament as well as the quality of its design and construction. The building's significance also derives from its close associations with the former glebe land adjacent to the east and the extent to which the Site ties the building's former use and its complementary relationship with the Church together.

Setting of the Old Rectory, importance of inter-visibility / co-visibility and effects of the Appeal Scheme

6. In relation to setting, paragraph 3.3 identifies areas of inter-visibility between the Old Rectory and the Church. However, the assertion that visibility "*is filtered through the mature tree screening which limits the importance of the intervisibility of these two buildings.*" is not accepted. Firstly, the mature tree screening which exists has no guarantee of permanence. Secondly, the tree screening is subject to considerable seasonal variation with high levels of permeability during the

[1] See Section 2 of the HIA, the background to the GPA 3 Assessment at Appendix 2 and the GPA 3 Impact Assessment at Appendix 3.

winter through to late spring period. Furthermore, there is no mention of co-visibility in relation to the Old Rectory and St Mary's Church and no attempt to assess the effects on the 8 views identified at Figure 4 of the HIA. Co-visibility is very much an aspect of the setting of both buildings, particularly in relation to the Appeal Site and areas to the south and north of the Old Rectory (Views 1, 2, 6 and 7). As such the assertion that, "*the significance of the relationship between these two buildings is less tangible and relates* [primarily] *to their function / former function which can be easily appreciated through the name of the buildings and also through documentary evidence*." lacks credibility. Rather, the strong historical ties and close association between the two buildings is readily appreciated and strongly reinforced by existing viewpoints in which both buildings can be seen simultaneously as well as direct views between the buildings. These views would either be blocked or severely compromised as a result of the Appeal Scheme's implementation.

7. It is asserted at paragraph 3.4 that, "*The significance of this building* [the Old Rectory] *now primarily arises from its own importance as a large detached dwelling to the north of the village which represents this characteristic of the conservation area, rather than its historic relationship with the church which can still be appreciated from documentary evidence as well as views from within the conservation area and surrounding area, including both inside of and outside of the appeal site.*" However, this fails to admit the important contribution made by the former glebe land (comprising the Site) which formed part of the parkland style grounds and foreground setting of the Old Rectory for most of its history and which remains an integral aspect of its setting. This is particularly the case in relation to views from the approach drive and from High Street (Views 5 and 3 at Figure 4 of the HIA). The less tangible aspects of setting derived from historical associations, archaeological potential, former use and the complementarity of the glebe land in relation to the medieval Church are heavily downplayed within the AR and initial Heritage Statement. Accordingly the contention at paragraph 3.5 that "*The application site makes no meaningful contribution to The Old Rectory due to the historical separation of ownership and the mature tree screening and planting which visually separates the two plots.*" is strongly contested for the reasons set out at paragraphs 4.67–4.70 of the HIA.

8. The assertion, also at paragraph 3.5, that, "*The introduction of the car park and new rectory building further dilutes the historic relationship between the historic*

association of the site as historic glebe land and The Old Rectory." has little validity on the basis that the car park remains a permeable element of the former glebe land and the existing Rectory, although somewhat intrusive, maintains the historic association and linkage between the parish church and the former glebe land by virtue of its status as a rectory. This also resonates with the former use of the Old Rectory. As such, these elements of the setting are not considered to dilute the historic relationship between the former glebe land and the Old Rectory to anything beyond a very limited degree.

9. Contrary to what is stated at paragraph 3.6 that, "*the appeal site is not an area where the architectural interest of The Old Rectory is better appreciated or understood*." it is considered that because the Appeal Site remains largely open and verdant with clear views towards, of and from The Old Rectory in conjunction with views of St Mary's Church (*cf.* Figures 22–25 of the HIA), the Site contributes notably to the rural character of the setting of the Church and Old Rectory and in no small way to an appreciation of their architectural complementarity and historic and functional associations. This contributes greatly to the significance of the non-designated heritage asset and also to the Church.

10. Paragraph 3.6 also fails to deal with the elements of co-visibility between the Church and Old Rectory that would be impacted by the Appeal Scheme as discussed above, focussing solely on inter-visibility, which is merely one aspect of setting and views.

11. Furthermore, there is no acknowledgement in the AR of the effects of movement, noise and other activity, as well as diurnal or seasonal change as a consequence of the Appeal Scheme and which would be highly apparent in relation to views from the approach drive to the Old Rectory (View 5), from the cemetery (Views 6 and 7), from the High Street (View 3) and from the Sussex Border path (View 2). This omission reinforces the evident lack of a suitably robust assessment of impact in accordance with Historic England's GPA 3 guidance.

12. It is not agreed that "*the retention of the mature trees, the inclusion of green buffers and the pre-existing limited intervisibility of the church spire* (sic) *through the existing mature tree filtering would all mitigate and minimise any potential effect of the visibility of the proposed development in views across the appeal site between the church and The Old Rectory*." stated at paragraph 3.7. This is

because of the high levels of permeability through the site during the winter and spring months (half of the calendar year) and on account of the highly intrusive impact of the proposed housing on views towards the Old Rectory and St Mary's Church through the Site (which would be blocked) and on the views in which the buildings are co-visible elements of key vistas within the conservation area (i.e. Views 1, 3, 5, 6, 7 & 8 at Figure 4 of the HIA).

13. Finally, in relation to paragraph 3.8, while there would be no direct impact on the physical fabric of the Old Rectory, there would be a highly noticeable and adverse change within its immediate and wider setting. This change would materially erode an ability to appreciate the building's significance, particularly that which is derived from its strong group value in conjunction with St Mary's Church, and to a lesser degree the group of listed building on High Street, including Ghyll Manor Cottage and The Plough Inn.

14. It has been demonstrated in the HIA that not only architectural and evidential values contribute to the building's significance, but also group value and less tangible elements of setting which aid an ability to see, appreciate and understand these other aspects of significance. Evidently, these aspects of significance would be eroded and undermined by the Appeal Scheme. Hence it is not credible to maintain that "*the historic relationship between the church and The Old Rectory would remain in the views between the two buildings … through the appeal site*" since these views would be lost entirely. And as already noted the views from the surrounding area would be greatly altered by the new housing, which would encroach into and erode rather than retain an understanding and appreciation of the importance of The Old Rectory and its status within the village.

Conclusion

15. HCUK group affirms the findings set out in the HIA which conclude that, contrary to the AR, the Appeal Scheme would result in a very noticeable level of material harm to the significance of the Rusper Conservation Area as a whole and the Parish Church of St Mary Magdalene. This harm is compounded by the cumulative negative impacts and consequent harm to the collective group value of the Parish Church, Ghyll Manor Cottage, Plough Inn and Old Rectory and to the setting and significance of The Old Rectory as a heritage asset in its own right.

16. There would not be preservation for the purpose of the section 66(1) and 72(1) statutory duties. The harm should be given considerable importance and weight in line with paragraph 212 of the NPPF. Any harm to a designated heritage asset requires clear and convincing justification (paragraph 213). Paragraphs 215 and 216 of the NPPF are thus engaged, with paragraph 215 requiring the harm to be weighed against the public benefits of the proposal.

17. In the absence of sufficient public benefit, the inspector is respectfully invited to dismiss the appeal on Heritage grounds in accordance with reason for refusal 1.

Prepared by: [redacted]

Director

Date: 16.02.2026

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