

Heritage Rebuttal Evidence for

Land at Grove Farm and East of Railway Line, Bentley

On behalf of Green Switch Capital.

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1. Introduction

- 1.1. This Heritage Rebuttal has been prepared on behalf of Green Switch Capital Ltd ('the Appellant') following the receipt of the Heritage Proof of Evidence prepared on behalf of Mole Valley District Council ('the Council') by Mr. Handcock and the Heritage evidence provided by the Rule 6 party prepared by Ms. Farmer and Mr. Martin. This document has been prepared to respond to matters of heritage arising from these Proof's relating to this Appeal.
- 1.2. This Heritage Rebuttal has been prepared by Laura Garcia BA (Hons), MCIfA – Senior Heritage Director at Pegasus Group and author of the Heritage Proof of Evidence prepared on behalf of the Appellant. The statement of truth as set out in my proof of evidence also stands for this rebuttal.
- 1.3. This rebuttal has been prepared in order to assist the Inspector in the decision-making process.

2. Potash Lane

- 2.1. Evidence has been presented in the Appendices of the Rule 6 Landscape and Heritage evidence by Ms. Farmer¹ which is repeated in the main PoE² and set out in the evidence of Mr. Martin³ that the route of Potash Lane follows, at least partially, the route of the Hundred Way. This was an older route, potentially pre-Norman conquest, which is described as leading to the meeting place of the Samford Hundred court at Copthorne in Capel St. Mary. Mr. Martin suggests at page 7 that the Hundred Way here is recorded in 1299, but the only evidence of this is in the evidence of Mr. Alston in Appendix 4 *Survey of Selected Heritage Assets*⁴ at page 30 who suggests the lane can be equated with a reference to 'le Hundredisweye' in a deed of 1299. No further information is provided to support this claim. Evidence is presented in the Appendices of Ms. Farmer's evidence⁵ from the 1613/14 Tollemache field survey (extracts set out at pages 8-12) which contain the names of fields and locational descriptions which includes references to fields being bounded by the Hundred Way to the north or south. When cross-referenced with the map at Figure 5, this demonstrates that this Hundred Way corresponds with the location of Potash Lane.
- 2.2. It is accepted that Potash Lane could be on the route of the Hundred Way. It is understood that there are a number of Hundred Way's across Suffolk, therefore this is not a unique feature. It is the case that in 1613, some sort of route way was located along the later Potash Lane. However, it is noted that the route of Potash Lane is not shown on mapping prior to 1805. Whilst I do not contest the review of the 1613 records, it is the case that whilst this route may have been retained in name, or as a track or boundary of some kind, it was not a main thoroughfare, or of such a status/size such to be depicted in mapping prior to the 1805 Mudge map.
- 2.3. It is important to note and recognise that the Scheme would not result in any change to this route. There would be no blocking, re-routing or any other alteration to its course along the length running along the southern boundary of the western portion of the Scheme. The purpose and use of Potash Lane would not experience change, and it will continue to be a thoroughfare for vehicles, horse riders and pedestrians with no change from the Scheme. The potential antiquity of the route is not capable of being understood on Site without prior knowledge however, given this knowledge derives from examination of historic documents, this understanding would sustain with the Scheme in place. Therefore, the ability to understand Potash Lane being on the route of an earlier pathway will remain unchanged. The ability to experience moving along this route will not be changed.
- 2.4. The suggestion of Potash Lane having older origins and being a Hundred Way was not referred to in the initial draft Conservation Area Appraisal and Management Plan documents. The initial August 2024 CAAMP draft did not refer to the Hundred Way or to the possible antiquity of Potash Lane. Similarly, the November 2024 CAAMP draft⁶ only refers to Potash Lane in terms of justifying the southern boundary but does not, in this

¹ CD C18 B2 at Figure 5 and on pages 8 – 12 of the pdf

² CD C18B at paragraph 106

³ CD C18 C at page 7

⁴ CD C18 B2

⁵ CD C18 B2

⁶ CD F4

justification, refer to the possibility of this being on the route of the Hundred Way. The adopted CAAMP of December 2025⁷ refers to Potash Lane being the likely route of the Hundred Way on page 8 in the section of General Character and Spatial Extent, in the paragraphs justifying the boundaries of the Conservation Area.

- 2.5. The possibility of Potash Lane as being an older route cannot have been the justification for the southern boundary of the Conservation Area as it was not mentioned prior to the November 2025 CAAMP (later reissued in December correcting two errors), after the Conservation Area had been designated. It is also the case that the boundaries of this Conservation Area have not changed since they were first proposed and set out in the August 2024 CAAMP and so this potential older origin of a route along or in the vicinity of Potash Lane has never been part of the justification for this being the southern boundary of the Conservation Area.
- 2.6. Potash Lane is not a heritage asset in its own right. Claims that Potash Lane is "*little altered*"⁸ in the evidence of Mr. Alston, from what is suggested as a pre-Norman Conquest era route are not supported by the evidence of site visits and traversing this lane. The road is metalled with built form on both sides of the lane including modern detached and semi-detached dwellings and detached garages. The age of the buildings along the route varies from late 18th to 21st century dwellings indicating a continuing evolution of this route. There are modern metal gateways and driveways into the properties and metal gates into the fields as well as modern ornamental or screening tree planting of tall, possibly non-native fir species. There are telegraph poles and electricity poles all along the route.
- 2.7. Most importantly, the Scheme would not result in any change to the element of Potash Lane which is identified in the evidence – the possible pre-Norman origins of the route. The ability to understand the potential antiquity of the route is derived from documentary evidence which would not change as a result of the Scheme. The Scheme would not result in an alteration or blocking of the route, or of the character of the road itself.
- 2.8. It is the case that Potash Lane, even if there are older origins was not a direct route to the Church of St. Mary or the historic core. It is not a direct route to the historic core of Bentley. The route led towards Chapel St. Mary and if extending further east, would not connect to the historic core of Bentley, indeed this is bypassed by the route.
- 2.9. It is noted that the lanes surrounding the western portion of the Site have been described as forming a "*medieval framework*". This framework will be retained with the Scheme in place. The framework, forming the shape of the western portion of the Site will not be altered in any way. The Scheme will not cause any change to these routes in terms of their direction, surfacing or current surrounds. It is accepted and already noted in my evidence that there would be two small areas of hedgerow removal along Church Road to facilitate access between the eastern and western parcel. It is also accepted in my evidence that there would be removal of some hedgerow along Potash Lane to create access.
- 2.10. The land within the western portion of the Site is already accepted as being a modern agricultural landscape. The framework of lanes surrounding this portion which are

⁷ CD F1

⁸ CD C18 B2 page 30 Appendix 4 *Survey of Selected Heritage Assets*

described as being more historic and "medieval" will not be changed. The only change will be in an area of land already accepted as being modern in its character.

- 2.11. In terms of the other lanes surrounding the western portion of the Site, evidence is presented from the same 1613 source that the track to Engry Wood is also of post-medieval date. The route of this track, which now provides access to Church Farm, will not experience any change as a result of the Scheme. It is a private road. It will not be altered and it is not a heritage asset in its own right. Its role in providing access to Engry Wood will not change.
- 2.12. It is the case therefore that the potential for Potash Lane (or any of the other routes) to have older origins has not changed my assessment set out in my proof for any of the heritage assets I have considered.

3. Historic Site Landownership

- 3.1. Evidence has been presented in the Rule 6 evidence in the Appendices of Ms. Farmer's proof⁹ and in the main proof¹⁰ that the Site fell under the ownership of two of the Manors of Bentley – Falstaff and Bentley Church House rather than as part of the Manorial holdings of Falstaff alone. This evidence has been derived from the 1613 Tollemache field survey.
- 3.2. It is acknowledged that this may have historically been the case – however, the history of the land ownership and the connection with the Tollemache story are very similar indeed. Bentley Church House was acquired by Sir Lionel Tollemache in 1544 – and sold to Sir Phillip Meadows in 1662 – so the manors were in the hands of family for the same amount of time.
- 3.3. Evidence has been presented that both manors (and the manor of Dodnash) were sold by Sir Phillip in 1679 to a Tollemache Duke¹¹. Tollemache Duke is described as a great-grandson of Sir Lionel Tollemache, 1st Bt. Tollemache Duke's connection to the wider Tollemache family is not clear as he did not appear to occupy Bentley Hall. By 1757, the manors of Bentley Church House and Falstaff Manor were in the hands of Ann Hawes (information supplied by the owner of Falstaff Manor) and by 1798 were in the hands of the Keene (later Ruck-Keene) family who held a vast amount of land. The 1838 tithe Apportionment records the family as the largest landowners in the parish owning over 1064 acres.
- 3.4. This evidence is presented to suggest a continuation of joint ownership contributing to the significance to the Conservation Area. Whilst I do not dispute that there has historically been a continuation of joint land ownership across land within the wider parish (and not just the Conservation Area), it is the case that this connection is no longer extant, appreciated only through documentary records.
- 3.5. Evidence in the LPA proof¹² suggests that the Site fell within the Dodnash manorial lands with partial ownership by the Falstaff Manor. The LPA evidence also suggests at paragraph 5.49 that the Site was in the ownership of the Meadows family until 1897 but this was not

⁹ CD C18 B2 Figure 5

¹⁰ CD C18 B

¹¹ CD C18 C page 2 evidence of Mr. Martin

¹² CD C17 C1

the case as illustrated by the 1838 Tithe Apportionment discussed at §10.8 of my evidence which shows the Site was owned by Benjamin Keene.

- 3.6. It is accepted there is the possibility the Site also fell within the manorial lands of Bentley Church House. The Scheme would not cover all of the former manorial land of Bentley Church House or Falstaff Manor, nor would the Scheme cover all of the landholdings associated with the Ruck-Keene family. The ability to understand the extent of landholdings would not be impacted. Ultimately, these connections are no longer extant.
- 3.7. The connection with Tollemache Duke – whilst this indicates an ephemeral link with a descendant of the Tollemaches', it does not provide a centuries' long, strong connection with a well-known branch of the Tollemache family. It adds little to the discussion presented in my proof relating to the Site and the Tollemache connection.
- 3.8. The discussion put forward in the evidence of all the parties and potential disagreement over what manor or part of what manor the Site falls within and the later land ownership connections all derive from the study and research within historic documentation. The Site itself provides no assistance in this discussion – a person wishing to understand the land ownership would gain no assistance from looking at the Site. The Site itself provides no information on who the land once belonged to and with all the field boundaries removed, is not reminiscent of any period of historic ownership.
- 3.9. Essentially, the discussions and hypothesising of and ownership and the understanding of the change and evolution in land ownership would be exactly the same if the Scheme were in place. The discussions illustrate the point made on numerous occasions in my evidence that the historic associations are, firstly, no longer extant, and secondly able to be understood and would still be able to be understood with the Scheme in place.
- 3.10. Ultimately, the evidence put forward in the Rule 6 CD C18C and CD C18B1 and C18B2 does not alter the conclusions of my evidence for any heritage asset discussed.

4. Alternative Site Assessment

- 4.1. The LPA evidence¹³ includes at paragraphs 5.95ff an analysis of the updated Alternative Site Assessment¹⁴ provided with the Appeal. I note one of the alternative sites – F3 does not appear to have been assessed.
- 4.2. Whilst I am not a planner, I understand the position of Mr. Burrell on the matter of the ASA to be that the requirement established in Policy LP25 of the Babergh and Mid-Suffolk Joint Local Plan to undertake an alternative sites assessment is not consistent with national policy. Further, the matter of Policy LP25 was considered in the in the Land at Woodlands Farm appeal (Appeal Ref: 3345132¹⁵) with regards to the heritage aspect. At paragraphs 39 and 40 of this decision, Inspector Woolcock stated:

"39. To give JLP Policy LP25 Part 3 the meaning intended by MSDC it is necessary to read into it that the 'impact on...the setting of heritage assets' would be an adverse impact. It

¹³ CD C17 C1

¹⁴ CD C24

¹⁵ CD H1

would also be necessary to infer that the reference to 'no alternative sites available within the District' meant that there would be no suitable alternative sites that would result in a less harmful impact. Even allowing for such an interpretation, I am not convinced that the proposal would be at odds with Policy LP25.

40. The policy is supportive of renewable energy generation subject to, amongst other things, full consideration of relevant matters, and where impact can be effectively mitigated. Mitigation here has its normal meaning of making less severe. So, it seems to me that compliance with this part of the policy could be achieved by effective measures that demonstrably lessened the severity of the impact. For the reasons set out in the sections of this decision on the character and appearance of the area and heritage assets, I am satisfied that the proposed on-site landscaping and additional tree/hedgerow planting would comply with Parts 1 and 3 of Policy LP25 concerning effective mitigation."

- 4.3. The LPA provides a 'mini-assessment' for each Alternative filtered at Step 3 of the ASA to the point of providing statements on levels of harm and whether potential impacts could be mitigated in order to suggest that there are other Site which are much better in terms of heritage impact than the Appeal Scheme.
- 4.4. It is suggested that the assessments of the Alternative Sites carried out at §5.97 carries little to no weight. Any assessment of alternatives is necessarily a theoretical/in-principle exercise given there is no technical information on a layout of a scheme upon which to base conclusions. The LPA have no information before them in terms of a Scheme upon which to base their claims of a Site being better or worse in terms of heritage impact. Suggestions of mitigation cannot hold any weight as they are not based on any assessment of the Site from other disciplines and as such, there is no understanding of constraints a site may have.
- 4.5. There is no suggestion in the LPA text that the assessment of the alternative sites has been informed by a site visit and therefore suggestions of buffering etc can have little merit as the baseline ground conditions have not been assessed.
- 4.6. It is also the case that heritage matters only form one consideration of site selection. Whilst there may be slight advantages or disadvantages for one site over the other for heritage, the considerations of the other disciplines have been taken into account within the ASA. This matter, and other considerations, such as the importance of having an available grid connection are discussed in the Planning Rebuttal of Mr. Burrell.
- 4.7. In discussion of Site F2 at §5.97 of the LPA proof, the conclusion is drawn "*I conclude that this site has some disadvantages compared to the Appeal Site.*" Site F2 is located entirely within the Bentley Conservation Area. This statement suggests that the LPA are of the opinion the Appeal Site is a less sensitive area of the Conservation Area as a whole and more capable of accepting a solar scheme within it than other similar sized areas of open fields within the wider designated area. This statement on site F2 also recognises the proximity of this site to the Grade I listed Bentley Hall Barn on land directly north of this asset and directly adjacent to the historic approach to the cluster of the two grade II* listed buildings at Bentley Hall.
- 4.8. The conclusion drawn in the LPA proof at §5.99 that '*I conclude that of the Alternative Sites, in historic environment terms, three of the four sites have advantages to the Appeal Site, being likely to cause less harm to designated heritage assets*' is based on theoretical

scenarios which assume that any mitigation would be possible and have no basis in technical assessment or evidence. The conclusions drawn of less harm to designated assets is predicated entirely on theoretical mitigation schemes which have not been tested and are not based on any technical evidence.

- 4.9. I agree with the conclusions as set out in the ASA with regards to the relative advantages/disadvantages of the alternative sites in comparison with the Appeal Site. The assessment is proportionate and realistic based on the level of information available for an ASA.

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