

LOCAL LISTING OF HORTON CEMETERY

Head of Service:	Viv Evans, Head of Planning
Wards affected:	Court Ward;
Urgent Decision?	No
If yes, reason urgent decision required:	
Appendices (attached):	<ul style="list-style-type: none">i. List Descriptionii. Consultation for the Listing of Horton Cemeteryiii. Report following site visit of 26 October 2020 Historic Analysis by SR Historic Environment Ltd for The Friends of Horton Cemetery 21 September 2020

Summary

This report recommends that the local listing of Horton Cemetery is confirmed, following the initial submission to Committee and subsequent consultation with interested parties.

Recommendation (s)

The Committee is asked to:

- (1) **Agree to the Local Listing of Horton Cemetery, including the boundary railings and a war memorial built in 2004 outside the railings and facing onto Horton Lane.**

1 Reason for Recommendation

- 1.1 Horton Cemetery is a disused cemetery with historic significance for its association with Epsom hospitals and asylums. It was used during the first half of the twentieth century but was abandoned in the 1950s.
- 1.2 When it was in use the cemetery was landscaped and maintained with an avenue of trees and other planting. It has not been used since the 1950s and has now become a feral wilderness, with its "tin chapel" (A small church or chapel prefabricated from corrugated iron, mostly used in the late nineteenth century.) and gravestones all removed. The only original evidence of the site is the boundary railings and a number of original, but now overgrown trees.

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- 1.3 Whilst it is in private ownership, the cemetery would benefit from some form of maintenance and inspection to ensure it is secure in the future and to determine its potential as an area of natural wilderness or as a natural amenity environment. However, such maintenance could not be the responsibility of the Council as the Cemetery is privately owned.
- 1.4 In terms of the cemetery's planning constraints, it lies within the Metropolitan Green Belt and is covered by an Area Tree Preservation Order. It is not in a conservation area.
- 1.5 Consultations were sent out to relevant statutory and local consultees (a list of those consulted is attached). There were no objections to the listing, though Surrey County Council suggested that the Cemetery be considered a monument.

2 Background

- 2.1 A proposal to list Horton Cemetery was brought to the Licensing and Planning Policy Committee on 27 May 2021. At that committee meeting the principle of the listing was agreed, but a wider consultation process was requested.
- 2.2 Local listing is most often associated with buildings or other structures such as walls and bollards, however the process applies equally to other heritage assets. Historic England's guidance – "Local Heritage Listing: Identifying and Conserving Local Heritage" states that:

"Although local heritage lists have long been developed successfully for buildings, all heritage asset types, including monuments, sites, places, areas, parks, gardens and designed landscapes may be considered for inclusion"
- 2.3 Local planning authorities should maintain or have access to a historic environment record. This should contain up-to-date evidence about the historic environment in their area and be used to:
 - a) Assess the significance of heritage assets and the contribution they make to their environment, and;
 - b) Predict the likelihood that currently unidentified heritage assets, particularly sites of historic and archaeological interest, will be discovered in the future.
- 2.4 The present overgrown state of the cemetery is of some cause for concern and there have been approaches made to the council requesting actions being taken to protect and to consider its future. Notably the Friends of Horton Cemetery commissioned a report on its history and condition, with recommendations for its future. A copy of this report is annexed to this report.

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- 2.5 For the council the local listing would aid in the protection from development of the site which is harmful to its historic significance. This significance is particularly relevant for its context as part of the Hospital Cluster of Conservation Areas. Locally listing it would recognise this association, without designating a completely new conservation area.
- 2.6 An article in the national press on 2 May refers to the cemetery and a proposed housing development on the site and there have been concerns about this from the Friends of Horton Cemetery. However, no records of any such development proposals can be found. There have been no enquiries or any planning applications for the site for at least the last 10 years. Development of the site would also be difficult as it is in the Green Belt, there is a Tree Preservation Order on the site and as a cemetery would probably require extensive exhumations and a need to justify the loss of trees and other flora and fauna species on the site.
- 2.7 It is not clear what the owners of the cemetery (Marque Securities PLC) now intend to do with it. A letter of consultation sent to the address under which they are registered was not responded to and attempts to speaking to them by telephone were unsuccessful.
- 2.8 The constraints on the site make it more likely that the cemetery would be developed as an amenity landscape and its listing would help ensure such development would respect the historic and natural significance of the cemetery.
- 2.9 Consultation letters about the proposed local listing were sent out on 24th June and 6 responses were received. No response opposed the listing and most positively supported it. Attached to this report is a summary of all the comments made by consultees.
- 2.10 Since the initial responses to the consultation letter were received the proposal to list the cemetery became available on the Council's social media accounts and a further 28 consultation responses were received by email, text or Twitter. All were fully in support of the listing.

3 Risk Assessment

Legal or other duties

Impact Assessment

- 3.1 Provision is made for locally listing of buildings and sites of heritage significance in the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 3.2 Crime & Disorder

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There is evidence of some limited use of the site with discarded rubbish and potential anti-social activity may take place there. Any management plan for improved accessibility should endeavour to protect the site against such inappropriate uses.

4 Financial Implications

- 4.1 There should be no financial implication for the council unless it later decides to be involved in a conservation project on the site. However, the extent of any such costs will depend on the nature of the project undertaken.
- 4.2 There is no requirement for the council to be involved in the locally listed buildings over and above what is required by the NPPF, which gives guidance on these listings and on what considerations the council should give to applications that affect listed buildings.
- 4.3 **Section 151 Officer's comments:** None arising from the contents of this report.

5 Legal Implications

- 5.1 The listing of the cemetery will give it the status of a designated heritage asset and it will have the protection as described in National Planning Policy Framework, section 16: Conserving and Enhancing the Historic Environment. In addition, as this is now a naturalised environment with implications for wildlife, section 15. Conserving and Enhancing the Natural Environment must be taken into account when considering applications for development of the site.
- 5.2 The site will not have the status of a nationally listed building and so listed building consent would not be required for development, only planning permission. However, there is no expectation that any built development of the site will take place
- 5.3 **Legal Officer's comments:** None arising from the contents of this report.

6 Policies, Plans & Partnerships

- 6.1 **Council's Key Priorities:** The following Key Priorities are engaged:
- 6.2 **Service Plans:** The matter is/is not included within the current Service Delivery Plan.
- 6.3 **Climate & Environmental Impact of recommendations:** This listing should have no climate or environmental policy implications

7 Background papers

- 7.1 The documents referred to in compiling this report are as follows:

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Previous reports:

Licensing and Planning Policy Committee Report: 27 May 2021

Other papers:

- List Description
- Consultation for the Listing of Horton Cemetery
- Report following site visit of 26 October 2020
- Historic Analysis by SR Historic Environment Ltd for The Friends of Horton Cemetery 21 September 2020