

Appeal Decision

Site visit made on 25 November 2022

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th December 2022

Appeal Ref: APP/L3815/W/22/3296675

Little Wephurst, Walhurst Lane, Loxwood RH14 0AE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr R Muddle against the decision of Chichester District Council.
 - The application, Ref. PS/21/03123/FUL, dated 22 October 2021 was refused by notice dated 27 January 2022.
 - The development proposed is a replacement dwelling following demolition of an existing dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed dwelling on the character and appearance of this part of the countryside.

Reasons

3. In essence the Council's view is that whilst a one for one replacement of the existing dwelling in the open countryside is acceptable, the proposal would be incongruous and intrusive in its setting by reason of its scale, mass and bulk, particularly having regard to the modest proportions of the existing building.
 4. In addition to my findings on my visit and the appeal submissions, I have noted the dismissed appeal decision ref. APP/L3815/W/18/3206331 dated 17 January 2019, which was also for replacement dwelling following demolition of the existing dwelling. The details of that scheme have helpfully been included in the appendices to the current appeal.
 5. The appeal property lies within the grounds of the Wephurst Park Estate, with the main dwelling 'Wephurst Park' a Grade II listed C18th country mansion. Little Wephurst is at the end of a long track through the estate starting at Skiff Lane the nearest public road, and also providing access to Wephurst Park itself and other estate buildings including Skye Cottage and Nos. 1 & 2 Wephurst Park Cottages. It is these three properties together with a backdrop of mixed mature woodland to the north and west and an extensive tract of farmland to the east that form the landscape context and setting for the existing building and its replacement.
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6. As regards the main issue, the Council accepts that a suitably designed contemporary approach might be acceptable in this location. However, no reason is given for this view. However, the appellant does address the point in both the Design and Access Statement and in more detail in the appeal evidence. In the former it is stated: *'The design of the property would be contemporary and would reflect modern design aesthetics and construction methods rather than a pastiche of earlier styles. Other properties on the Wephurst Park Estate represent the architectural styles of the time that they were constructed, and the replacement dwelling at Little Wephurst would be no exception'*.
7. However, I take the view that this approach is over-simplistic and am satisfied that buildings of an overtly contemporary design form a tiny minority of the houses in rural Sussex. The concept also fails to give due weight to the character and appearance of an area that has evolved over more than a couple of centuries as a private country estate. Wephurst Park itself is supported by the farm and half a dozen workers' cottages, for the most part positioned around the mansion's more immediate surroundings at the heart of the estate grounds, as already indicated in paragraph 4 above. These dwellings are consistent in respect of their simple built form and modest size, both characteristics being commensurate with their function as workers' accommodation - and as regards size, evidenced by the term 'cottage' and in the case of the appeal building 'Little'.
8. I recognise that the estate has to move with the times and that the intention of replacing Little Wephurst is to provide a sustainable dwelling appropriate for modern living day standards whilst at the same time optimising the financial return. However, the existing building with its simple design and rural character 'reads' as the workers' cottage it was before its vacation. Even though apparently built as basic and cheap housing, the cottage makes a positive and authentic contribution to the rural character of the area. And with the dwelling's modest size, cream rendered walls and position set against a backdrop of mature trees, its prominence in the landscape and from public footpaths actually makes a positive contribution in the countryside of the estate - much more so than some of the other buildings, for example Skye Cottage.
9. I have acknowledged it is reasonable for Little Wephurst to be replaced, particularly as the extensions that can already go ahead in the form of a combination of lawful and permitted development would have an adverse effect on its character and appearance, as is often the case with the enlargement of dwellings using these tolerances. But in my view in this instance the contemporary design with its 47% increase in floor area, including a tripling of the first floor area under a flat roof compared to the existing 'extended' building, would result in a dwelling that would draw the eye from the public footpaths and be negatively perceived as incongruous in this setting.
10. This unsuitability would be increased because, as illustrated in Figure 8 in the appeal Statement of Case, the main part of the front elevation would be the same height as the ridge of the existing building and extend further laterally, incorporating a slight increase in height at the northern end. Both heights would extend in the form of the flat roof rearward to the main west elevation. The two-storey height glazing panel in the front elevation would also have the

potential to increase the building's presence by reflecting the morning sun and releasing artificial light into the rural 'dark skies'.

11. All these factors would result in the building imposing itself on its context and being out of keeping in this rural estate setting. The development does not follow the example of the existing building which although clearly noticeable from distance sits comfortably within the landscape. The development would also fail to comply with the requirements of Policy 33 of the Chichester Local Plan: Key Policies 2014-2029 and paragraph 130c) of the National Planning Policy Framework 2021. Neither policy supports a proposal for an unsympathetic addition to the local landscape character and the surrounding built environment (the latter in this case being Skye Cottage and Nos. 1 & 2 Wephurst Park Cottages).
12. As regards the alternative of a more traditional design, whilst it is clear that I regard this as being more appropriate in this context, I am also in agreement with the previous Inspector in their finding that the scale, massing and complexity of that scheme would also be unsympathetic to the replacement building's setting. However, this does not preclude a less ambitious development with a more modest scale and simpler built form that would harmonise with its surroundings.
13. The final concern of the Council as regards the appeal scheme relates to the absence of a defined residential curtilage which it is considered could represent an unacceptable encroachment into the open countryside. The submitted CGIs indicate extensive areas both to the front and rear which would support the Council's concerns. In the light of my endorsement of the thrust of the Council's objections, these areas would appear to be excessive.
14. However, I agree that this needs to be resolved in any further application and have noted the appeal statement's evidence of the earlier domestic use of land both to the front and to the side / rear of the building. This is a matter for discussion between the appellant and the Council. However, the functional needs of future occupiers, the proposed building footprint, and the size of gardens of the other cottages on the estate are all further considerations that would inform any conclusion on the extent and location of the curtilage.

Conclusion

15. For the reasons explained and having had regard to all other matters raised including all the relevant national and local policies I conclude that the appeal should be dismissed.

Martin Andrews

INSPECTOR