



Appeal Decision

Site visit made on 12 March 2025

by H Miles BA (hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 April 2025

Appeal Ref: APP/Y9507/W/24/3351701

Reeth House, Fernden Lane, Lurgashall, West Sussex GU27 3BS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Ms Leticia Espinal against the decision of South Downs National Park Authority.
 - The application Ref is SDNP/23/02819/FUL.
 - The development proposed is demolition of the existing detached two-storey dwelling house with accommodation in roofspace together with all of the various residential outbuildings serving it, and their replacement with a new detached two-storey dwelling house and a detached two-storey residential annex with a full basement spanning both buildings, a detached tractor shed and store, a tennis court, together with the associated hard and soft landscaping, parking and access arrangements.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

Character and Appearance

3. The appeal site is within the South Downs National Park, and I give great weight to conserving and enhancing landscape and scenic beauty in this area, which has the highest status of protection in relation to these issues. I have a duty to seek to further the statutory purposes of National Parks which are conserving and enhancing the natural beauty, wildlife and cultural heritage of the areas designated, and promoting opportunities for the understanding and enjoyment of the special qualities of those areas by the public.
4. The site is within the 'WG4 North Western Ridges' area of The Landscape Character Assessment of West Sussex (West Sussex County Council and CBA, (2005), and the '01 – Blackdown to Petworth Greensand Hills' Landscape Character Area of the Landscape Character Assessment for SDNP (2020). Together they identify important characteristics of this area as including a sense of remoteness and tranquillity, enclosed, secluded landscape, but with some long views with scattered, isolated farmsteads and small groups of cottages.
5. The appeal site is also within the zone of intrinsic rural darkness. There is no streetlighting and the sources of artificial light in the surroundings are generally

from domestic dwellings. On the appeal site this mainly comprises internal lighting of the dwelling, swimming pool and annexe as well as external floodlighting on the house and pool buildings.

6. The appeal site includes the dwelling at Reeth House and buildings associated with it. The main building is a traditional two storey dwelling with accommodation within the roof. It has associated outbuildings including a single storey pool building, annexe/studio and garage which has first floor accommodation within its roof. There are also a group of buildings to the western side of the house arranged around a courtyard including stables and a chicken coop/kennels. There is a traditional stone wall along the boundary with the access track, broken up by the rear wall of the annexe which changes to the east to unbonded rubble. Its appearance, materials and scale make a positive contribution to the rural character of the lane.
7. The appeal site slopes steeply from north to south and the natural gradients of the land are an important part of its character. There is a raised terrace around the house which is modest in its extent and steps down to the sloped garden area. Other than this, buildings are stepped and staggered across the varied ground levels. Reeth House is set within an area of open land with woodland beyond. As a result, there are long views from the property across the Milland Basin to the hills beyond.
8. Apart from the house, the buildings are generally low level and the separation between each of the structures results in the bulk and volume of the built form being diffuse. Whilst the detailing of some of these buildings is more modern, nevertheless the collection of traditional modest buildings around a main dwelling is characteristic of a traditional isolated farmstead in this rural area. Therefore, the existing appearance is characteristic of the remote, tranquil rural setting, and appropriate in this landscape area.
9. There is a public footpath which runs along the access track, past the site entrance and through the woodland along the site boundary. The buildings on the site in particular their side and rear elevations as well as the stable buildings are clearly visible through the woodland in these views.
10. The appeal scheme proposes the demolition of the existing buildings and replacement with a single dwelling. It would be arranged across a large lower ground floor level. This would be below ground floor level to the north-east elevation, but would sit above ground level to the south west elevation across the full width of the proposed dwelling with large glazed doors and windows along its full length. These levels would be accommodated through the regrading and levelling of the site. A terrace and arrival/access area would be situated above the flat roofed area of the lower ground floor building. As well as ground and first floor accommodation which would be a larger dwelling to the western part of the site, an annexe to the eastern side and a tractor shed. The dwelling would also have a pitched roof with a dormer and it would have large glazed doors along the south-west elevation.
11. Features to control lighting are proposed including that windows would incorporate automated or manual black out blinds paired with a privacy blind and/or internal shutters and curtains. Pergolas would also be included around some glazed patio

doors and windows. External lighting would be shielded, and on a timer or proximity sensor.

12. The proposed property would not exceed the height of the existing buildings, it would reduce the spread of the built form and the amount of hardstanding on the site. However, the consolidation of the built form into a single building across a sizeable footprint would result in a large and bulky building.
13. The lower ground floor would be set into the slope. Plans show the terrace, lawn and tennis courts to be at a similar lower ground floor level, with the ground floor, terrace and parking area broadly level on the floor above. The floorplan is stepped to follow the lines of the contours, nevertheless the wall to the lower ground floor elevation would include clearly domestic fenestration along its full length as well as a terrace above its flat roof. The pronounced step between the ground floor and the lower ground floor and gardens would appear as an engineered feature which would not respect the existing natural slopes on this site. The upper parts of the development are also designed to appear similar to agricultural barns. However, they sit above an extensive lower ground floor which they are clearly connected to. As such, even with softening from planting, they would appear as part of a large domestic building. Consequently, notwithstanding the proposed materials, the appeal scheme would result in a very large dwelling which would harmfully undermine the characteristic rural appearance and scenic beauty of this remote location.
14. The proposed development would minimise the number of windows to the northern elevations, with fewer than existing and conditions could be attached to limit external lighting. However, there would be a large extent of glazing to the south west elevation which would have potential for increased light spill from the proposed dwelling than the smaller windows in the existing separate buildings. Features such as internal blinds and lighting of 1000 lumen or less are recommended, however, I am not provided with detail of how a condition requiring these measures would be reasonable or enforceable. As such light spill from the proposed dwelling is likely. This would result in development which is more prominent than existing and would be harmful to dark skies in the National Park.
15. The proposed development would retain, repair and extend the boundary wall in place of the unbonded rubble, which would be a minor enhancement to the traditional rural character of the lane.
16. Close, public views of the site are mainly limited to side and rear elevations. However, due to the change in land levels the plans show that the lower ground floor level would be clearly perceived to the side elevations. I understand that planting is proposed along the northern boundary which would also provide some screening, however it would be unlikely to screen the full extent of the development proposed particularly when trees are not in leaf. Further distant views are more limited, although views are possible from footpath 2041 (distant viewpoint 3 in the Landscape and Visual Impact Assessment 26 March 2004). As such, the extent and appearance of the proposed development, including the lower ground floor, would be seen in public views. Whilst the visibility mitigates the magnitude of the harm, nevertheless the harm identified above would be experienced.

17. The appeal scheme would result in a building which would be overly bulky, more conspicuous in the landscape and harmful to the tranquil, rural character of this area. Given my findings regarding the visibility of the proposals, the scale proposed would not be concealed. The minor enhancement to the character of the rural lane would not overcome these substantial harms. It would not therefore conserve and enhance the landscape and scenic beauty in this area. For the reasons set out above the proposed development does not fit in with the overall form and layout of its surroundings.
18. Policy SD30 of the South Downs Local Plan 2014-33 (2019) (LP) states that replacement dwellings outside settlement boundaries should not result in a net increase of more than approximately 30% compared with the Gross Internal Area (GIA) of the existing dwellings. The supporting text to this policy sets out its purposes as to reduce the loss of small homes in the National Park through replacement by substantially larger homes. A key consideration is demonstrating that there is no increase in the overall visual impact of the replacement dwelling(s) on the landscape of the National Park. The Extensions and Replacement Dwellings Technical Advice Note (2023) (TAN) provides further guidance as to the interpretation of this policy. There is no dispute that the existing dwelling is not a small/medium dwelling, and there is no harm with regard to this matter.
19. Nevertheless, the TAN sets out the policy does not indicate that a different approach should be taken where the existing dwelling is already over the size taken to be a 'small/medium dwelling'. A previous version of the TAN dated 2021 included a flowchart and it is the appellant's case that this provided a different interpretation. However, this is no longer included in the up to date TAN. I am also provided with decisions where policy SD30 is considered, however the decision at Westbury Manor (SNDP/22/02055/HOUS) appears to predate the current version of the TAN, and the decision at Badan Lodge (SNDP/23/05184/FUL) applies the policy but does not find harm with regard to landscape character. As such these are notably different to the situation before me now. The decision at Sunfield (SNDP/23/04107/FUL) considered the proposal against Policy SD30 and finds harm to landscape character and refuses planning permission. This approach is in common with this appeal. Therefore, this decision has been taken in accordance with the most up to date guidance and policy SD30 is applicable to the proposed development.
20. The policy provides that where outbuildings were utilised for ancillary domestic purposes on 18 December 2002, and where the number of outbuildings would be rationalised to improve the appearance of the site, the GIA of the outbuildings may be considered in the assessment of any increase in floorspace. The TAN provides further detail that outbuildings used for non-domestic purposes, such as stables or agricultural buildings, will not be considered in this assessment and that outbuildings such as greenhouses and sheds that are not of substantial construction will typically be excluded from this definition.
21. The up to date GIA figures from the appellant and Council are broadly similar, and for the purposes of this appeal I have used those of the appellant. I have therefore excluded the buildings annotated as stables from the existing floorspace (79sqm). However, the Kennels are a block built structure and therefore they are not similar to the examples set out in the TAN and as such the evidence before me does not suggest that it is not of substantial construction. Consequently, the existing GIA is

around 626sqm. The proposed GIA of 880sqm would represent around a 40% increase.

22. As such, the development would result in a net increase of more than approximately 30% compared with the GIA of the existing dwelling and domestic outbuildings. Moreover, for the reasons set out above there would be an increase in the overall visual impact of the replacement dwelling on the landscape of the National Park. Taken together, the harm to the scale of the dwelling and its effect on landscape and scenic beauty in this area would result in substantial harm in this regard.
23. Therefore, the proposed development would have a harmful effect on the character and appearance of the area. As such, it would be contrary to policies SD1, SD4, SD5, SD6, SD7, SD8, and SD30 of the LP. In addition to the aims set out above, together these require high quality design which respects local character, and conserves and enhances; landscape character, relative tranquillity including changes in the visual environment in the immediate vicinity, the intrinsic quality of dark night skies, views from public rights of way and sets out the purposes of the National Park, amongst other things.
24. Policy SD9 of the LP mainly relates to biodiversity and geodiversity, Policy SD10 relates to international sites, Policy SD11 relates to trees, woodland and hedgerows and Policy SD20 relates to walking cycling and equestrian routes. Therefore, the policies set out above are more relevant to this main issue.

Other Matters

25. Weyborne Estate (formerly Blackdown House) is a Grade II* listed building. Its significance is informed by its age dating from 17th century and the historic appearance and detailing of the house, internally and externally, including initials indicating its occupation by the Yaldwyn family. The Blackdown Park Grade II listed registered park and garden form gardens to the Weybourne Estate, and their significance derives from their age, formal and ornamental gardens including a narrow band of terraces around the house and the surrounding parkland including Blackdown Copse. The Blackdown Estate included the building, gardens and park.
26. The appeal site is separated from the park by a dense area of woodland and as set out above, distant views of Reeth House are limited. The appeal site was historically part of the Blackdown Estate. However, the buildings on the site have generally been altered and modernised and Reeth House has been under separate ownership for many decades. The historic and functional connection has therefore been considerably eroded over time. So, whilst the appeal site forms part of the setting of the listed building and registered park and garden it now makes only a minimal contribution to the appreciation of the evolution of the Blackdown Estate and the way in which these heritage assets are experienced.
27. The proposed house would have an overall length of its lower ground floor similar to the longest dimension of Blackdown House as well as introducing more formal gardens and an additional vehicular access from Fernden Lane. There is little intervisibility between Reeth House and the Blackdown Estate and the proposed house would be in a clearly different architectural style to the listed building. Moreover, the ongoing use of Reeth House as a large, separate residential property would not alter. For these reasons the hierarchical and functional relationship between the appeal site and the neighbouring listed building and

grounds would remain. Therefore, the proposed development would not alter the way in which the heritage assets are experienced, and their settings would be preserved.

28. Taking all the above factors into consideration I conclude that the proposal would preserve the special historic and architectural interest of the Grade II* Listed Weybourne Estate and the Grade II Listed Blackdown Park and their settings. This would be in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires me to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. The Framework also directs that I give great weight to the conservation of the designated heritage assets and their setting. The proposal would also be in accordance with Policy SD12 of the LP which, in part, requires development to conserve and enhance the historic environment.
29. The proposed development would result in a reduction in the built form within the buffer zone of the ancient woodland. However, there is no detailed evidence before me to suggest that the removal of these long standing structures would result in benefits to the ancient woodland. As such I afford this matter limited weight.
30. The appeal scheme would provide a replacement dwelling along with the positive social and economic effects associated with this. However, any public benefits would be minor and limited to the construction phase of the development given that the proposal is for a replacement dwelling. In addition, there would be small enhancements to the character and appearance of the traditional boundary wall, as described above.

Planning Balance

31. The benefits associated with the proposed development are limited. As such, they would not outweigh the harm to the landscape and scenic beauty in this nationally important area, which has the highest status of protection in relation to these issues.

Conclusion

32. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given above the appeal should be dismissed.

H Miles

INSPECTOR