
Appeal Decision

Site visit made on 3 December 2025

by **David Prentis BA BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 December 2025

Appeal Reference: APP/Y9507/W/25/3365806

Tangletrees, The Street, Graffham, West Sussex GU28 0QA

- 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 Mr Ian Forrest against the decision of South Downs National Park Authority.
 - The application reference is SDNP/24/03091/FUL.
 - The development proposed is a replacement dwelling, ancillary building and associated landscaping including ha-ha and pond.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The area within the application boundary extends to around 2.8ha. The existing dwelling and its garden plot occupy the southern part of this area. Most of the rest of the land is open grassland. There is also some woodland, some fruit trees and a pond.
3. In 2024 an application was made for a certificate of lawful development for the use of land adjoining the existing garden plot as residential garden land. The application was refused.¹ The appellant's statement of case suggests that the land in question has been used as garden land for a significant number of years. Photographs were provided in support of this argument. However, this matter has only recently been considered by the Council. There is no reason to think that any new material has been put before me and, in any event, this section 78 appeal is not the appropriate procedure to determine matters of lawful use. For the purposes of this appeal, mindful of the Council's recent decision, I have attached very little weight to the appellant's suggestion that the land in question forms part of the existing garden plot.
4. The appellant submitted a planning obligation by unilateral undertaking (UU) with their final comments on the appeal. The appellant's intention is to "swap" an area of the existing garden (Parcel A) with an area to the north of the existing dwelling (Parcel B), thereby changing the shape of the plot.² The object of this exercise is to enable the proposed replacement dwelling to be orientated north/south, rather than the east/west orientation of the existing dwelling. The proposed replacement dwelling would be sited further from the southern boundary than the existing dwelling, partly within the existing plot and partly within Parcel B.

¹ SDNP/24/00138/LDE determined in May 2024

² Parcel A and Parcel B are shown on Plan 2 attached to the UU

5. The UU contains obligations relating to Parcel A, which would become part of a wildlife corridor. The ecological management measures proposed for the wildlife corridor are set out in Annex D and Annex E. However, such measures could equally be applied to woodland within a residential garden. There are no proposals for Parcel A in terms of future land use. Consequently, there would not be a “swap,” merely an extension of the existing residential plot.
6. I consider that, insofar as the UU purports to achieve a “swap,” it would not achieve that objective. It would not therefore be relevant to the determination of the appeal and I have attached no weight to it. I have taken account of the UU insofar as it would provide for a wildlife corridor along the eastern side of the site.
7. As noted above, the completed UU was submitted with the appellant’s final comments. If I had been minded to allow this appeal, it would have been necessary to give the Council a chance to comment on the UU in the interests of procedural fairness. However, as the appeal is to be dismissed, there can be no prejudice to the Council’s position because the UU will not come into effect.
8. The development plan includes the South Downs Local Plan (LP). The appellant’s statement refers to a policy of an emerging local plan which would replace the current LP Policy SD30. The policy refers to replacement dwellings, such as the appeal proposal, which are outside settlement boundaries. However, I consider that very little weight can be given to the emerging local plan because it is at an early stage of preparation.
9. The appeal site is within the South Downs National Park. I have therefore kept in mind the purposes of designation of the national park and the duty set out in section 245 of the Levelling-up and Regeneration Act 2023 to seek to further those purposes.

Main issue

10. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

11. As noted above, the application site boundary includes an extensive area of open land to the north of the existing house and garden. The site is bounded on its southern side by an unclassified lane which is a public bridleway. There is a recreation ground with sports pitches on the opposite side of the lane. To the west, the site adjoins the rear gardens of properties in The Street. Graffham is a linear settlement, in which most of the buildings are located along The Street. There are also some infill dwellings in backland locations. There is open land to the north and east of the appeal site.
12. Tangletrees is a detached dwelling facing the lane, with an east/west orientation, constructed of red brick under a clay tile roof. It was built in 1948, with later additions. The central section is two-storey, with single storey extensions on either side. It has four/five bedrooms and a gross internal area (GIA) of around 229sqm.³ It is prominent in views across the recreation ground, from where it is seen in a well treed setting. It is also seen in the context of an adjoining house to the west. Although Tangletrees is close to the built form of Graffham, it has a predominantly

³ 229sqm is the appellant’s figure. The Council calculates this to be 217sqm

rural setting with open land on three sides. Whilst the house is not of any particular architectural note, it is an unassuming structure which does not stand out as being unsympathetic its surroundings.

Design

13. The proposed replacement dwelling would comprise two wings orientated north/south, with a central linking element. One wing would be single storey with accommodation in the roof structure and the other would be two-storey. On the Council's figures, the replacement dwelling would result in an increase in GIA of 66%. On the appellant's figures, it would be an increase of 54%. In my view the difference between those figures is not important for the purposes of this appeal. On either approach, the resulting building would be significantly larger than the existing house.
14. The appellant argues that reorientating the house would present a narrower frontage to the south. Whilst that may be so, buildings are not just seen from fixed viewpoints. They are three-dimensional objects, experienced as such by those moving through the locality and those living nearby. The proposal would have a long east elevation, the scale of which would be apparent in oblique views from the lane. The overall depth of the west elevation would include parts of the eastern wing, (which would be projecting forward), and the western wing (which would be set back). Again, the scale of the proposal would be apparent in views from the lane. I consider that the actual increase in size, as presented in terms of the GIA, would be reflected in the appearance of the building on the ground.
15. The design includes elements which, to my mind, would be unsympathetic to the predominantly rural setting and out of keeping with locally distinctive building typologies. The central link element would have a flat roof at similar height to the ridge on the western wing. This would generate a somewhat stark cuboid form which would sit uncomfortably with the adjoining pitched roofs. The geometric form of the link, and its dominant scale, would be emphasised by the extent of full height glazing at first floor level.
16. On the west elevation, there would be a projecting dormer. The outer face of this structure would be in line with the main elevation and the ridge would be level with the main ridge. This would result in a poorly proportioned and bulky structure. The eastern wing would have a tall southern gable with projecting eaves which would emphasise its scale. In addition to the full height glazing in the link block, there would be large areas of full height glazing at first floor level on the east and north elevations.
17. The appellant contends that the design has drawn inspiration from vernacular building types found in the national park. In particular, the two wings are said to reflect the design of agricultural barns. Whilst the supporting material includes images of traditional building types, the submitted scheme departs considerably from the typical characteristics of such buildings. For example, traditional agricultural barns often have hipped or half-hipped roofs. They do not normally have flat roofs, dormer windows or extensive glazing, particularly at first floor level.
18. Attention has been drawn to Glasses Barn, a nearby conversion scheme which has incorporated some dormer windows. However, the scale, proportions and detailing of those dormers are quite different to what is proposed here.

19. The appellant also points to some houses in Graffham which have dormer windows and to an example of a flat-roofed building. That argument misses the point that the basis of the design approach to the appeal scheme is said to be the aesthetic of traditional agricultural buildings.⁴ That initial design intent has not been carried through into the proposal before me.

Landscape and visual effects

20. The application was supported by a landscape and visual impact appraisal (LVIA). The appeal site is within landscape character area L1, as identified in the South Downs Landscape Character Assessment. The characteristics of L1 are said to be that it is a clay vale with mixed farmland and blocks of scattered woodland. The distinctive materials found in L1 are said to include sandstone, red brick and clay tiles. The appeal site comprises mainly open land, including a paddock and woodland, which is characteristic of the landscape of L1.
21. The LVIA found that the proposal would have a neutral impact on the landscape character of the national park. Given the relatively small scale of the proposal, that is not a surprising conclusion at a broad landscape scale. However, a significant proportion of the proposed house would be located outside the existing garden plot. This would result in a change in the character and appearance of the land in question from its current rural condition to built form and residential garden. Beyond that, further works are proposed. These works would include formation of a pond and construction of a semi-circular ha-ha. Whether or not the land in question would undergo a change of use, the works would result in this area taking on the appearance of a residential garden. The proposal would therefore have the effect of spreading the domestic character associated with the existing house well beyond the existing garden plot. This area may not be readily visible from outside the site but this would still result in an incremental erosion of the landscape character of L1. There would therefore be landscape harm, albeit that the effect would be localised.
22. In terms of visual impacts, the LVIA concluded that the proposal would be seen by users of the bridleway, the recreation ground and some footpaths. The LVIA assessed these impacts as either neutral or beneficial. This was based on features of the design such as the narrower south elevation, which I have discussed above, the fact that the replacement building would be set at a slightly lower level than the existing building and the proposed use of sympathetic materials. I consider that the proposed reduction in floor level would have only a marginal effect on how the building would be perceived. Similarly, the proposal to set the building further back from the lane would have only a limited effect on mid-range views across the recreation ground. I acknowledge that the proposed facing materials would be characteristic of L1 but that does not overcome my concerns in relation to design.
23. Due to the increased size of the building, together with the design issues I have identified, I disagree with the LVIA and conclude that there would be harmful visual impacts for users of the bridleway, footpaths, and the recreation ground.

⁴ The Planning Statement says that the two wings would be “of a shape and form that is deliberately reminiscent of the local vernacular style of historic agricultural buildings.”

Dark skies

24. The site is within the dark sky core identified in the LP. As noted above, the proposal includes significant areas of full height glazing. The appellant suggests that there would be an improvement on the existing situation because low transmission glass would be used together with sensitive external lighting. Attention is drawn to rooflights and a conservatory which are features of the existing building. Although the application documents included a lighting assessment, this document is very brief and does not include any detail of current or future lighting levels. I saw that the existing rooflights are small and the conservatory is partially screened by vegetation. On the other hand, the replacement dwelling would feature large windows at first floor level. On balance, I consider that it is likely that the proposal would result in harm to the intrinsic quality of dark night skies found in this part of the national park.

Conclusions on the main issue

25. I conclude that the increased scale of the proposed replacement dwelling, together with the proposed design and the extension of the garden area, would be harmful to the character and appearance of the area. The proposal would not represent good design, in the terms of the Framework. The Framework states that development that is not well designed should be refused.
26. The proposal would be contrary to LP Policy SD5, which seeks to achieve high quality design through a landscape-led approach that respects the local character and contributes to local distinctiveness. Policy SD1 seeks to achieve sustainable development through conserving the natural beauty of the national park. Policy SD4 seeks to conserve and enhance landscape character. Although the landscape harm that I have identified would be localised, there would nevertheless be harm to the character and appearance of the area in a prominent location adjacent to a public bridleway and a recreation ground. The proposal would conflict with these policies.
27. The proposal would conflict with Policy SD30, which relates to replacement dwellings outside settlement boundaries, in that the increase in GIA would exceed 30%. I comment below on the loss of small homes, which is said to be the purpose of the policy.⁵ The LP also states that a key consideration for this policy is demonstrating that there would be no increase in overall visual impact on the landscape of the national park. For the reasons given above, the proposal would increase the overall visual impact on the landscape.
28. The proposal would be contrary to Policy SD8, which seeks to conserve and enhance the intrinsic qualities of dark night skies in the national park.
29. Policy SD7 seeks to conserve and enhance relative tranquillity. The policy makes clear that both visual impacts and noise can affect tranquillity and that consideration should be given to users of public rights of way and public spaces. In this case, there would be adverse visual impacts for users of the bridleway and the recreation ground. There would therefore be a loss of tranquillity, contrary to Policy SD7. That said, I take account of the fact that the proposal would not add to the level of activity in the area as it would be replace one house with another (albeit

⁵ Paragraph 7.84 of the LP

larger) house. Consequently, I consider that the degree of harm under this heading would be minor.

Other matters

Loss of small homes

30. The proposal would not result in the loss of a small home, because the dwelling that would be replaced is not a small home. It would not therefore conflict with the stated purpose of Policy SD30, insofar as that purpose relates to small homes.

Habitats and biodiversity

31. The potential for impacts on protected sites in the locality has been assessed and Natural England has confirmed that the relevant sites can be screened out of more detailed consideration. The potential for impacts on protected species within the appeal site has also been assessed and any such impacts could be appropriately controlled by conditions. Information has been submitted to demonstrate that biodiversity net gain could be achieved.

Energy and water efficiency

32. A new dwelling may offer improvements in terms of thermal insulation, energy efficiency and water use. On the other hand, there is no reason to think that improvements could not be achieved within the fabric of the existing buildings. Moreover, the process of redevelopment would itself have environmental consequences in terms of use of energy and materials.

Effect on the living conditions of nearby residents

33. There would be sufficient space between the proposed dwelling and existing dwellings to the west to avoid harmful overlooking. Whilst some noise and disturbance would occur during construction, including through use of the lane for construction access, any such impacts would be temporary and could be satisfactorily mitigated through a construction management plan. This could be secured by a condition.

Pre-application advice

34. The appellant considers that pre-application advice given by the Council was positive. The Council argues that the appeal scheme is materially different to the scheme on which the pre-application advice was given. However, the pre-application scheme is not before me for consideration. My assessment is based solely on the merits of the appeal scheme.

Conclusion on other matters

35. Whilst I have taken account of the other matters discussed in this section, they do not (either individually or collectively) outweigh the harm I have identified in relation to the main issue.

Conclusion

36. I conclude that the proposal would be contrary to the development plan as a whole. I have not identified any matters that indicate a decision other than in accordance with the development plan. It follows that the appeal should be dismissed.

David Prentis

Inspector