



Appeal Decision

Site visit made on 24 July 2025 by S Indermaur BA (Hons) MSc MRTPI

Decision by Martin Seaton BSc Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 March 2026

Appeal Ref: APP/Y9507/W/25/3362433

1 The Quell Cottages, Quell Lane, Lurgashall, West Sussex GU27 3BW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Sean McIlveen against the decision of South Downs National Park Authority.
 - The application Ref is SDNP/24/02628/HOUS.
 - The development proposed is the erection of a purpose-built wooden cabin in the garden to serve as a personal home office and a gym/leisure area.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of a purpose-built wooden cabin to serve as a personal home office and a gym/leisure area, at 1 The Quell Cottage, Quell Lane, Lurgashall, West Sussex GU27 3BW. In accordance with the terms of application SDNP/24/02628/HOUS subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan references:

DWG:001 (Block Plan),

PP-13192264V1 (Location Plan); and

Plan Page Numbers 01 (Proposed Roof Plan), 02 (Floor Plan), 03 Rev. A (Proposed North East and South West Elevations – High and Low Side Elevation), 04 Rev. A (Proposed South East and North West Elevations – Left) & 05 (Construction Details), all dated 26/06/2024.
 - 3) No development shall be carried out unless and until a schedule of materials and finishes and, where so required by the Local Planning Authority, samples of such materials and finishes to be used for external walls and roofs of the proposed building(s) and where appropriate surfacing materials have been submitted to and approved by the Local Planning Authority.
 - 4) The development hereby permitted shall not be brought into use until details of automated blackout blinds have been submitted to and approved in writing by the Local Planning Authority. The blackout blinds and timing control shall be installed in accordance with the approved details prior to its first use and thereafter retained in a fully operational condition unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.

- 5) No external lighting shall be installed on the building unless otherwise agreed in writing by the Local Planning Authority.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The description in the banner heading has been taken from the National Park Authorities' (NPA) decision notice rather from the planning application form as it more succinctly describes the proposed development and quite clearly describes the same development.
4. The appeal site is located within the South Downs National Park (NP). Under section 245 of the Levelling-up and Regeneration Act 2023 (LuRA) there is a requirement to seek to further the purposes of National Parks. The National Parks and Access to Countryside Act 1949 (as amended), highlights the need to define 'special qualities', the most relevant of which in this instance are indicated as concerning the conservation and enhancement of the natural beauty, wildlife and cultural heritage of the National Park.

Main Issue

5. The NPA resolved in its Statement of Case received on 6 May 2025 that had it been in a position to determine the application, it would not have granted planning permission. In accordance must formally consider the planning merits of the proposal and given the location of the appeal site within the setting of a listed building,
6. The main issues are therefore;
 - the effect of the proposed development on the character and appearance of the area, and in particular the NP; and,
 - whether the proposed development would preserve the setting of the nearby listed building.

Reasons for the Recommendation

National Park

7. The site is located within the NP, which is situated in a small residential area surrounded by woodland and countryside with a rural landscape character. Beyond the appeal site, there are a small number of other properties within the area and the immediate neighbouring property is located behind the appeal site which appears to include a number of outbuildings.
8. The National Park designation affords the area the highest status of protection in landscape terms. Paragraph 189 of the National Planning Policy Framework (the Framework) requires great weight to be given to conserving landscape and scenic beauty in such areas.

9. The location plan submitted displays four outbuildings on the site. However, at the time of my site visit, my observations were that there are only two outbuildings which include a timber outbuilding near the entrance and a small potting shed to the northwest of the site.
10. The proposal would have a modest scale in contrast with the scale of the main dwelling. Whilst adopting a contemporary design approach incorporating a large expanse of glazing, I am satisfied that the use of cedar wood would not be harmful to the observed landscape setting and character of the area. I recognise that the proposal would require some limited excavation to incorporate the building within the contours of the land, which along with existing vegetation would largely obscure it, and would significantly lessen its visual impact. However, whilst I have had regards to the NPAs concerns and allowing for the contemporary design approach, I am not persuaded that the addition of a single outbuilding in this specific location and within the landscaped residential garden setting would either interfere with or harm the wider woodland and rural landscape character of the NP. The proposed development would therefore conserve the landscape and scenic beauty of the NP.
11. The NP is a designated dark skies reserve and Policy SD8 of the South Downs National Park Local Plan (the LP) requires development proposals be permitted where they conserve and enhance the intrinsic quality of dark night skies and the integrity of the Dark Sky Core. The proposal includes large aspects of glazing, which would create the potential for light spill that could cause harm to the Dark Sky Core. However, I am satisfied that the condition proposed by the NPA would be an appropriate means of control through the proposed use of black out blinds and timing control which could prevent any spill and mitigate the harm identified. I note that no external lighting is proposed and a condition to ensure that this remains the case is also included.
12. In taking the above considerations together, I conclude that the proposal would further the purpose of conserving the natural beauty of the National Park. As such, the proposal would comply with Policies SD5 and SD8 of the LP, which state that development proposals will only be permitted where they adapt a landscape-led approach and respect the local character through sensitive and high-quality design, conserve the intrinsic quality of dark night skies and the Dark Sky Core.

Setting of the listed building and Character and Appearance

13. Section 66(1) of the Planning (Listed Buildings and Conservations Areas) Act 1990 requires that special regard is given to the desirability of preserving a listed building or its setting. The Framework also requires that great weight be given to the conservation of designated heritage assets.
14. The proposal would be located within the setting of 1 The Quell Cottages, which is a modest detached two storey Grade II listed building, dating from the 17th Century. The building exhibits a significant proportion of its original fabric, including the timber frame and plank-panelled doors with original hinges and handles. The walls are made of brick and stone, with modest sized casement windows and a half-hipped roof. As such it derives its significance from architectural and historic interest.
15. The building is set back from and elevated above the road and sits relatively centrally within the plot. The land to the northeast of the site falls away significantly from the cottage after around 15 meters behind the patio area. The significance of

the heritage asset can be readily appreciated from Quell Lane to the south of the site, where the entrance is and the vegetation is low lying. Views of the north of the site are severely limited due to the topography and landscaping.

16. The Cottage is seen within the immediate setting of a mostly open landscaped garden with associated outbuildings. A mixture of mature trees, hedgerow and shrubbery is located on the boundaries of the property. Together, these features within the setting makes a positive contribution to the significance of the appeal property.
17. The proposed outbuilding would have a similar width to the existing patio area to the north of the site. The outbuilding would consist of cedar wood panels, large areas of glazing and a flat roof. I recognise that taken in isolation this would contrast with the historic character and appearance of the listed building. However, given the specific context of its location, even though the proposal would appear as a modern intervention, it would be read as visually distinct and different from the appeal property.
18. The significance of the assets can be most readily appreciated from the south and south east elevations and would be very limited from northeast of the property. The dwelling can still be appreciated to the rear of the property where a plank panelled door which contributes to the architectural significance of the property is located. However, the proposed outbuilding would be situated under the level of the patio within a sunken area of land. The proposal would therefore be enclosed by this and the existing surrounding vegetation. Consequently, the outbuilding would be unobtrusive from outside of the curtilage of the site and would not be viewed at the same time or context as the Cottage. Furthermore, the proposal would not erode the importance identified of the rear elevation. The addition of one outbuilding would not be uncharacteristic of a wider pattern of outbuildings on the site and as they are situated away from each other, the proposal is tucked away and would not erode the sense of openness or appear as an addition of further clutter.
19. As such, the proposed development would not result in a significant or harmful change to the setting of the listed building and would allow the architectural significance of 1 Quell Cottages to continue to be read without hindering its relationship to the setting. Overall, the proposal would preserve the setting of the listed building and would not cause harm to the character and appearance of the area. In this regard, the proposal would comply with Policies SD12 and SD13 of the LP which together state that development proposals which affect the setting of a heritage asset will be determined with regard to the significance of the asset and will only be permitted where they safeguard the setting of a listed building.

Conditions

20. I have imposed the standard time condition and a condition requiring development to be carried out in accordance with the approved plans, to provide certainty. I have also included a pre-commencement condition for a schedule of materials in order to safeguard the appearance of the building and the character of the area and to enable the Local Planning Authority to properly consider the development.
21. In order safeguard the Dark Sky Core against light spill, timing-controlled blinds or other coverings are necessary and no external lighted shall be installed on the building. The NPA also suggested that the condition for the external lighting should include 'within the site'. However, this would not be reasonable to include as it

would not be relevant to the development that is permitted as it falls out of the extent of the proposed outbuilding.

22. The NPA have suggested a condition for the proposal to be used solely for the purpose's incidental to the occupation of the dwelling in order safeguard the amenities of the local area and ensure that the development is only used in connection with the existing dwelling. However, the proposal before me does not constitute a dwelling and there is no realistic evidence to support the contention that this is an intended future use. I do not therefore consider such a condition necessary in this case.

Conclusion and Recommendation

23. The proposal would comply with the development plan read as a whole. Therefore, for the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed and planning permission should be permitted.

S Indermaur

APPEAL PLANNING OFFICER

Inspector's Decision

24. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed, subject to the conditions as set out.

Martin Seaton

INSPECTOR