



Appeal Decision

Site visit made on 24 July 2023

by C Cresswell BSc (Hons) MA MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 August 2023

Appeal Ref: APP/K1128/D/23/3317613

Red Gables, Cliff Road, Wembury, Devon PL9 0HN

- 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 & Mrs Stephen Lang against the decision of South Hams District Council.
 - The application Ref 2579/22/HHO, dated 22 July 2022, was refused by notice dated 9 January 2023.
 - The development proposed is conversion of existing garage to extra living accommodation.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of existing garage to extra living accommodation at Red Gables, Cliff Road, Wembury, Devon PL9 0HN in accordance with the terms of the application, Ref 2579/22/HHO, dated 22 July 2022, subject to the conditions set out in the Schedule at the end of this Decision.

Main Issues

2. The main issues in this case are:
 - whether the site is a suitable location for the proposed development, having particular regard to development plan policies which seek to control new housing in the countryside.
 - the effect of the proposal on the character and appearance of the area, including the South Devon Area of Outstanding Natural Beauty.
 - whether the proposal would make adequate provision for foul drainage.

Reasons

Location

3. The appeal relates to a detached dwelling with a residential annex and garage. It is proposed to convert the existing garage in order to enlarge the size of the existing annexe which, I understand, is to accommodate a family member. Policy DEV10 of the Local Plan¹ says that *proposals for residential annexes should be clearly ancillary to the principal dwelling via a functional link, with no separate demarcation or boundary.*

¹ Plymouth & South West Devon Joint Local Plan 2014-2034

4. In this case, there does not appear to be a functional link between the proposed development and the main dwelling. However, it seems to me that the provisions of Policy DEV10 apply to the creation of new annexes and not the enlargement of annexes which already exist. As such, the lack of any functional link between the proposed development and the main dwelling does not bring the proposal into conflict with Policy DEV10.
5. The question is whether it would be appropriate to enlarge the annexe in this location and I am conscious that the Local Plan strictly controls new housing development in the countryside. With this in mind, I note that the proposed development, when combined with the existing annexe, would be self-contained and relatively substantial in size.
6. However, it does not necessary follow that the extended annexe would be tantamount to a new dwelling in the countryside. While the extended annexe would contain all the facilities necessary for day-to-day living, this would be case even if the annexe remained at its present size. Furthermore, a planning condition could be imposed to ensure that the extended annexe remains ancillary rather than being used as a separate dwelling.
7. The Council say that the existing annexe has previously been let as an income generating business, though I have not been provided with a great deal of evidence about this matter. Nonetheless, if permission was granted for the current proposal and the annexe was not used as proposed, or there was a material change of use in the future to create a separate dwelling, then a separate grant of planning permission would be required and there would be a risk of enforcement action if such permission were not granted.
8. Increasing the capacity of the annexe would potentially increase vehicle use in a relatively inaccessible, rural location. It may also place additional demands on the local road network and other infrastructure such as drainage. However, this is an established residential property and the increase in capacity resulting from the proposed extension would be very modest. I am also mindful that the reason for the development is to provide accommodation for a family member, in which case there would be social benefits arising from the proposal. As such, there would be no conflict with the overarching objectives of the Local Plan to promote a sustainable pattern of development.
9. I therefore conclude on this issue that the site is a suitable location for the proposed development. There would be no conflict with Policies SPT1, SPT2, TTV1, TTV2, TTV26 which, taken together, aim to control housing development in the countryside and promote sustainable development.

Character and appearance

10. The proposed development would be very small scale. Although there would be a modest increase in the height of the garage roof, it would occupy the same footprint as the existing structure. There would be very little increase in the volume and mass of built development.
11. The converted garage would be taller than the existing annexe. However, both buildings are already different heights, so this would not look out of place or substantially change the appearance of the property. While there would be additional glazing, including dormer windows in the roof, this would be in keeping with the residential characteristics of the main dwelling.

12. Due to the vegetation which surrounds the property, the development would not be a prominent feature in the wider surroundings. Where it could be seen, it would be viewed in the context of the existing dwelling, which is an established feature within the local landscape. Light emission from the property would be little more than exists at present. As such, the overall effect on the scenic beauty of the South Devon Area of Outstanding Natural Beauty and other designated landscapes would be negligible.
13. I therefore conclude on this issue that the proposal would have an acceptable effect on the character and appearance of the area. There would be no conflict with Policies DEV10, DEV20, DEV23, DEV25 and TTV29 of the Local Plan which seek appropriate standards of design and protection of landscape quality.

Drainage

14. I understand that the Council has not been able to carry out a foul drainage assessment. However, considering that the proposal is for a modest extension to an established residential property, it is reasonable to suppose that adequate provision could be made. Indeed, the Council has proposed a planning condition to ensure that the relevant information would be provided prior to commencement of the development.
15. I therefore conclude on this issue that development would make adequate provision for foul drainage. There would be no conflict with Policies DEV2 or DEV35 of the Local Plan which, amongst other things, seek to avoid flood risk and water pollution.

Conclusion

16. For the above reasons, the appeal is allowed.
17. In the interests of clarity, standard conditions requiring the development to be carried out in accordance with the plans and within a time limit have been imposed. There is also a condition requiring the development to be occupied as ancillary accommodation only. This is to ensure that it cannot be used as a separate dwelling in defiance of Local Plan policies which seek to control new housing in countryside locations such as this. For the reasons stated above, a condition is also imposed requiring details of foul drainage. To protect wildlife, there is also a condition which requires the development be carried out in accordance with the supplied ecological report.

C Cresswell

INSPECTOR

(Schedule of conditions attached)

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan & Block Plan, Drawing No 2A, Drawing No 3A, Drawing No 4A.
- 3) The development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Red Gables, Cliff Road, Wembury, Devon PL9 0HN.
- 4) Prior to the commencement of the development hereby permitted, details of the disposal of foul water shall be submitted to and approved in writing by the Local Planning Authority and the approved foul water system shall be installed prior to occupation of the development hereby permitted.
- 5) Notwithstanding the details set out on the submitted plans, the recommendations, mitigation and enhancement measures of the Ecological Report, by Paul R Gregory of Ecology Services on 19 August 2022, shall be implemented prior to the occupation of the development hereby permitted and maintained at all times unless otherwise agreed in writing with the local planning authority.