
Appeal Decision

Site visit made on 13 December 2024

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 February 2025

Appeal Ref: APP/K1128/W/24/3346226

Land at Sx 677 403, Weymouth Park, Hope Cove

- 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 Steven Carter against the decision of South Hams District Council.
 - The application Ref 3567/23/FUL, dated 24 October 2023, was refused by notice dated 18 December 2023.
 - The development proposed is erection of two storey dwelling house containing residential annex (Retrospective).
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a two storey dwelling house containing residential annex (Retrospective) on Land at Sx 677 403, Weymouth Park, Hope Cove, in accordance with the terms of the application 3567/23/FUL dated 24 October 2023 and the plans submitted with it, subject to the conditions set out in the Schedule at the end of this decision.

Preliminary Matters

2. In relation to the Council's first and third reasons for refusal, which relate to issues of the effect of the proposal upon neighbouring residents and car parking respectively, I note that the Council do not now object to the proposal upon these grounds. I have therefore considered the appeal on this basis.
3. I note that the application is retrospective, and that the development has already commenced on the site. For the avoidance of doubt, I have determined this appeal on the plans as submitted.
4. There appears to be disagreement between the parties as to the number of bedrooms which would be provided. The elevations and floor plan (WP.07.23.02) shows the provision of a single bedroom on the ground floor, with a further two bedrooms provided on the first floor. The accompanying planning application form also identifies the proposal to be for a 3-bed dwelling. I have therefore dealt with the appeal on this basis.
5. A revised National Planning Policy Framework (the Framework) was published following the submission of the appeal on 12 December 2024. The references in my decision to the paragraphs in the Framework relate to this new document.
6. For reasons of clarity and precision I have taken the site address and the description of development from the Council's decision notice.

Application for Costs

7. An application for costs was made by Mr Steven Carter against South Hams District Council. This application is the subject of a separate Decision.

Main Issue

8. The main issue in this appeal is whether the proposal would accord with local policies concerned with housing provision and sustainable rural communities.

Reasons

9. Policy SPT2 of the Plymouth and South West Devon Joint Local Plan (JLP) supports the creation of communities and requires them to have a balance of housing types and tenures to meet identified housing needs. It also seeks to promote resilience to future change by ensuring a well-balanced demographic profile whilst ensuring equal access to housing and services.
10. Policy DEV8 relates to meeting local housing needs and identifies that a specific aim within the policy area is to address existing imbalances in the housing stock and requires proposals to be brought forward to address this. It identifies the most particular needs within the policy area to be for homes to redress an imbalance, housing to address specific needs and dwellings that, amongst other things, cater for older people who wish to retain a sense of self-sufficiency.
11. The Strategic Housing Market Needs Assessment that underpins the housing policies identifies that, due to household change, there is a need for smaller homes. The Council provided evidence which demonstrates that, within the Slacombe and Thurlestone ward, there is currently an over-provision of larger homes and an under-provision of smaller dwellings. As a result, they consider there to be a greater need for two-bedroomed units or smaller.
12. The proposed development is for an open market 3-bed detached dwelling. It has however been designed to make provision for a single bed, ground floor residential annex, with a dedicated living and kitchen area, accessed from the main dwelling. As such, when the annex is in use, the main dwelling would be a 2-bed property.
13. It is clear from the housing mix policies in the JLP that to support the aim of delivering sustainable rural communities, proposals should not simply seek to add to the existing housing stock but should seek to address local imbalances and positively benefit local housing needs. On the face of it therefore, given the imbalance identified by the Council and the need for smaller dwellings, the provision of a three-bedroom dwelling would fail to address the identified local need.
14. However, Policy DEV8 is clear in identifying that there is a particular need for accommodation to cater for older people, with Policy SPT2 seeking to ensure the provision of balanced communities and catering for a well-balanced demographic profile. Therefore, given the specific design of the proposed development, through the provision of an accessible, ground floor residential annex, I find that the proposal would serve a particular need and would support the policy aims in relation to creating balanced communities. Furthermore, the remaining part of the proposed dwelling would comprise a 2-

bedroom unit, which would satisfy the Council's identified need for smaller units.

15. Even if the residential annex were not in use, I find that the addition to the housing stock of a dwelling with the potential to provide a residential annex, would meet the requirements of the development plan by improving the overall resilience of the housing stock to meet the demographic needs of the area. On this basis, I therefore find that the proposed development would meet the requirements of policies SPT2 and DEV8 and would make a positive contribution and benefit local housing needs.
16. I therefore conclude that the proposed development would not exacerbate an existing imbalance in the housing stock and, in this respect, would accord with Policies SPT2 and DEV8 of the JLP and the Framework.

Other Matters

17. The Council initially raised concerns in relation to potential overlooking and adequate provision of car parking. Having considered these matters, I consider that they have been adequately addressed in the proposed scheme and are therefore not determinative in this case.

Conditions

18. The suggested conditions have been considered in light of the advice contained within the Framework and the National Planning Practice Guidance. I have made a number of minor changes to the format of the conditions to improve their legibility and precision.
19. A requirement to implement the scheme in accordance with the approved plans is necessary. To control the overall occupancy of the proposed development and ensure it is delivered in accordance with the submitted details, a condition is appropriate to set out the details of how the proposed dwelling can be occupied.
20. To protect the character and appearance of the area it is necessary to withdraw permitted development rights. For the same reason, it is appropriate to attach conditions requiring the submission of a landscaping scheme and to require the removal of the existing security fencing upon completion, along with requiring details of the proposed new boundary treatments to be approved.
21. To protect the living conditions of surrounding residents, it is necessary to attach a condition requiring the submission of details of external lighting. For the same reason, it is appropriate to require details of the treatment of the southern elevation, to ensure sufficient screening is provided to the neighbouring dwelling.
22. In the interests of highway safety, it is necessary to attach a condition to require the garage to be used for purposes associated with the dwelling.
23. To protect surrounding developments it is necessary to attach a condition to require the drainage scheme to be implemented in accordance with the approved plans. For the same reason it is appropriate to attach a condition to ensure no surface water, mud or other debris is discharged onto the public highway.

24. To ensure the use of renewable energy, a condition is appropriate to require the installation of solar panels and an electrical vehicle charging point.
25. To address any unidentified potential contamination issues, it is appropriate to attach a condition to identify what process should be followed, should any be encountered.

Conclusion

26. I conclude, for the reasons outlined above, that the appeal should be allowed subject to the identified conditions.

Adrian Hunter

INSPECTOR

Schedule of Conditions.

1. The development hereby approved shall in all respects accord strictly with drawing numbers WP.07.23.01, WP.07.23.02, WP.07.23.03, WP.07.23.04
2. The dwelling hereby permitted shall not be occupied other than by: i. a person or persons as their principal home; ii. persons living as part of a single household with such a person or persons; iii. persons who were living as part of a single household with such a person or persons who have since died; iv. non-paying guests of any of the persons listed in (i) – (iii). The occupant(s) shall at any time supply to the Local Planning Authority such information as the Authority may reasonably require in order to determine that this condition is being complied with, within one month of the Local Planning Authority's written request to do so.
3. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) Order, 2015 (and any Order revoking and re enacting this Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:
 - (a) Part 1, Class A (extensions and alterations)
 - (b) Part 1, Class AA (enlargement of a dwellinghouse by construction of additional storeys)
 - (c) Part 1, Classes B and C (roof addition or alteration)
 - (d) Part 1, Class E (a) swimming pools and buildings incidental to the enjoyment of the dwellinghouse and; (b) container used for domestic heating purposes/oil or liquid petroleum gas)
 - (e) Part 1, Class F (hardsurfaces)
 - (f) Part 1, Class H (microwave antenna) and;
 - (g) Part 2, Class A (means of enclosure)
4. Within three months of the date of this decision, a detailed landscaping plan shall be submitted to the Local Planning Authority for approval. This landscaping plan shall include details of all hard and soft landscaping proposed, species, location, and densities of any planting, and a timetable of implementation. All elements of the landscaping plan shall be implemented and maintained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. All work shall be completed before the end of the current first available planting season following practical completion of the development hereby permitted; unless otherwise agreed in writing by the Local Planning Authority. Any trees or plants that, within five years after planting, are removed, die or become seriously damaged or defective shall be replaced with other species, size and number as originally approved, unless consent is given to any variation. The landscaping plan shall be strictly adhered to during the course of the development.
5. The timber fence surrounding the site boundary shall be removed in its entirety prior to the occupation of the dwelling hereby approved.

6. Details of any external lighting (including security lighting) to be erected, placed, or sited within the site shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The work shall thereafter be carried out in accordance with the approved details and under no circumstances shall it cause light pollution nor shall external illumination be operated on the site other than in accordance with the approved scheme.
7. Details of proposed boundary treatments shall be submitted to, and agreed in writing by the Local Planning Authority prior to installation. The development shall hereafter be carried out in accordance with the approved details.
8. Details which demonstrate how the proposed boundary treatment to the south elevation will provide sufficient screening to Lothlorien (dwelling to the south) shall be submitted to, and agreed in writing by the Local Planning Authority. The dwelling hereby approved shall not be occupied until the boundary screening to the southern elevation has been installed in accordance with the approved details.
9. The garage hereby approved shall only be used for purposes incidental to the enjoyment of the main dwellinghouse. It shall not be used as ancillary accommodation, or used for any business or commercial use.
10. The drainage scheme shall be installed in strict accordance with the approved plans, maintained and retained in accordance with the agreed details for the life of the development.
11. No surface water, mud, or other debris from the development hereby approved shall be discharged onto the highway, or any land outside of the curtilage of the dwelling hereby approved.
12. The development hereby approved shall be carried out in accordance with the DEV32 low carbon development checklist, received by the Local Planning Authority on 12th March 2024.
13. The solar PV panels as shown on the approved plans shall be installed prior to the occupation of the dwelling hereby approved. These panels shall then be retained and maintained for the life of the development.
14. The electric vehicle charging point as shown on the approved plans shall be installed prior to the occupation of the dwelling hereby approved. It shall then be retained and maintained for the life of the development.
15. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.

Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority.