



Appeal Decision

Site visit made on 12 November 2025

by H Faulkner BSc (Hons) MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2025

Appeal Ref: APP/K1128/W/25/3369633

Wakeham Farmhouse, South Milton, Devon TQ7 3JQ

- 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 and Mrs C Mahn against the decision of South Hams District Council.
 - The application Ref is 0558/25/FUL.
 - The development proposed is the change of use of land from agricultural to residential including the erection of a summerhouse, new concrete base and garden planters.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of land from agricultural to residential including the erection of a summerhouse, new concrete base and garden planters at Wakeham Farmhouse, South Milton, Devon TQ7 3JQ in accordance with the terms of the application, Ref 0558/25/FUL and the plans submitted with it.

Preliminary Matters

2. The application form states the development was started on 27 September 2024 and completed on 13 October 2024. I saw during my site visit that the land formed part of the garden of Wakeham Farmhouse and the summer house had been erected. These works appear to accord with the plans before me. I have therefore considered the appeal on the basis that the development has already taken place, as did the Council. While retrospective, my assessment of the proposal is based on the plans before the Council at the time of the planning application.

Main Issue

3. The Council has accepted the principle of the change of use of the land and the visual effect of the summerhouse.
4. The main issue therefore is the effect of the proposed development on the living conditions of the occupiers of the neighbouring property with particular reference to privacy.

Reasons

5. The appeal site is being used as part of the garden for Wakeham Farmhouse. The site is at a higher level than the newly constructed houses adjacent. A newly erected hit and miss fence forms the boundary between the properties.
6. The adjacent property is a recently built detached bungalow with roof accommodation. Its frontage and side are visible from the driveways of other houses within the new development. Due to the difference in ground levels

between the appeal site and the bungalow, a substantial portion of the bungalow's garden can be seen from the appeal site. The fence, positioned slightly lower, allows views over it from higher ground. Consequently, even without the summer house, the bungalow's privacy is already limited to some degree.

7. However, from within the summerhouse, views are more limited. The roof of the bungalow can be seen but areas such as the patio are not in view. I therefore do not find that any overlooking occurs from the summer house that would result in any serious loss of privacy.
8. I accept that when in the garden of the bungalow the summer house can be seen above the fence and that the windows are visible. This arrangement could lead to the occupiers having a perception of being overlooked. However, Policy DEV1 of the Plymouth and South West Devon Joint Local Plan (JLP) states that development will safeguard amenity ensuring that new development provides for satisfactory privacy. As the summer house would not result in any serious actual overlooking and taking into consideration the views already available from the garden I do not find that there is any conflict with this policy.
9. Therefore, to conclude, I find that the development results in a satisfactory level of privacy and the living conditions of the neighbouring property would not be harmed and the development complies with Policy DEV1 of the JLP.

Other Matters

10. The site is located within the South Devon National Landscape. The Council found the proposal to be acceptable in terms of its visual impact. Having reviewed the scheme and the surrounding context I find no reason to disagree with the Council's assessment. I find that the proposal would conserve the appearance of the area and that it does not conflict with the duty of seeking to further the purpose of the National Landscape.
11. Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) I have a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Whilst the site lies close to a conservation area it is not within the boundary. As the visual effect of the development has been found to be acceptable I find that the setting of the nearest conservation area would be preserved.
12. The site is proximate to a number of Grade II listed buildings with the closest being Trutes Court, Rose Cottage, Shute Cottages and Luggers Cottage. Mindful of the statutory duty set out in section 66 (1) of the Act, I have had special regard to the desirability of preserving their settings. Notwithstanding that there is some intervisibility between the listed buildings and the site, given the intervening development, in my judgement, the appeal proposal would preserve their settings and their significance would not be harmed.

Conditions

13. As the works have already been completed conditions relating to time limit for implementation and compliance with the plans are not necessary.
14. Given that the proposal relates to a residential garden I do not find it reasonable to put a restriction on external lighting. In the context of the area there are other

residential properties nearby which emit light and I have not been provided with any specific evidence to suggest that lighting should be limited due to biodiversity.

15. A condition restricting the use of the outbuilding is not necessary. If the building were to be used for another purpose further permission may be required.

Conclusion

16. For the reasons given above the appeal should be allowed.

H Faulkner

INSPECTOR