



Appeal Decision

Site visit made on 6 August 2025 by N Manley BA (Hons) MSc MRTPI

Decision by S Edwards BA MATCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 November 2025

Appeal Ref: APP/K1128/D/25/3367472

Sundowners, Herbert Road, Salcombe, Devon TQ8 8HN

- 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 Chadwick against the decision of South Hams District Council.
 - The application Ref is 4075/24/HHO.
 - The development proposed is described as the “use of existing extension as incidental/ancillary annexe.”
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Decision

1. The appeal is dismissed.

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.

Applications for costs

3. An application for costs was made by Mr and Mrs Chadwick against South Hams District Council. This application is the subject of a separate decision.

Preliminary Matters

4. The development for which permission is sought has largely been completed and accords with the plans before me. I have considered the appeal on this basis.

Main Issues

5. The main issues are:
 - Whether the proposal constitutes an annexe to the dwelling known as Sundowners; and
 - The effect of the proposal on car parking provision.

Reasons for the Recommendation

Whether the proposal constitutes an annexe

6. The appeal site is located within an established residential area on a pleasant, tree-lined road. The original dwelling is set back from both the highway and the established building line. Planning permission has previously been granted for a large extension to the front of the dwellinghouse, comprising two garages, a games room and an office (Local Planning Authority Reference 2910/22/HHO). This

extension has been constructed and is proposed to be used as a residential annexe.

7. Having regard to the available evidence and from my own observations, I note that the accommodation comprises a snug at ground floor level, and a kitchen with a seating area, separate bedroom and shower room with toilet at first floor level, making it self-contained. However, the Courts have confirmed that even if the accommodation provides facilities for independent day-to-day living, it does not necessarily become a separate planning unit from the main dwelling. In each case, it is a matter of fact and degree, having regard to whether the premises are used in a way that is part and parcel of the existing dwellinghouse use, and considering both the physical and functional connections between the two.
8. Policy DEV10 of the Plymouth & South West Devon Joint Local Plan 2014–2034 (Adopted 2019) (JSWLP) reflects this approach, as it is supportive of residential annexes, where they are within the same curtilage and ownership as the principal dwelling. Annexes should be clearly ancillary to the principal dwelling via a functional link. While not part of the development plan, the Plymouth & South West Devon Joint Local Plan 2014–2034 Supplementary Planning Document (Adopted 2020) (SPD) provides additional details to have regard to when considering whether an extension is capable of being occupied independently of the main dwelling.
9. The SPD advises that the Council will consider the level of dependence of the annexe on the main residence, and sets out specific criteria for assessing this. These include whether the annexe is functionally related to and used only in conjunction with the main dwelling, whether it is in the same ownership as the main dwelling, whether it is accessed via the main dwelling or its garden rather than by an independent access, and whether it relies on facilities and floor space within the main dwelling to the extent that it cannot be occupied independently.
10. The extension is in the same ownership as the main dwelling. It is physically attached to the host dwellinghouse and can be accessed through a lockable door, at the rear of the extension. However, this could easily be removed, particularly as the unit can anyway be accessed entirely independently, either using the front door or set of French doors, without having to pass through the main dwelling, notably given the extension's position towards the front of the site. As noted above, the accommodation provided in the extension is self-contained and whilst smaller in size than the main dwellinghouse, it is more than large enough to operate as a separate dwelling. On the basis of the available evidence, it is unclear which facilities, if any, would need to be shared with the main house.
11. I understand that the accommodation is proposed to be used by the appellants' adult children or visiting family, and accept that this would give rise to some comings and goings as a result. However, very little evidence has been otherwise provided by the appellants to demonstrate the existence of a functional connection between the occupiers of the main dwelling and the premises subject to the appeal. There is no suggestion, for example, that care would be provided for the occupiers of the extension by the occupiers of the main dwellinghouse. Given the facilities afforded by the proposed development and in the absence of substantive evidence to the contrary, there are no reasons why the occupiers of the main dwelling and the unit would function as a single household.

12. Whilst the appellants suggest that the site cannot be physically subdivided, I disagree. As detailed above, the physical links between the main dwelling and the accommodation subject to this appeal are clearly limited and it would therefore be simple to sever the later from the host property. Due to the site's layout, access to the rear garden could also be easily restricted for the occupiers of the extension, for example via a lockable gate. I also note that there is a wall towards the front of the site providing a clear separation between the two parking areas. This means that both units of accommodation do not have to share parking facilities.
13. Combining these factors, it is my view that the accommodation clearly provides for independent living which is not reliant on the facilities within the main dwelling for day-to-day private domestic existence. In other words, the facilities within the extension, the physical layout and the functional use of the addition are such that it does not form part and parcel of the existing dwellinghouse. In reality, there is a high likelihood that the accommodation would be used as an independent, separate dwelling. Accordingly, I am not satisfied that the matter could be resolved by imposing a restrictive condition in a manner that would be reasonable or enforceable, thus contrary to the sets set out in the National Planning Policy Framework and Planning Practice Guidance.
14. As a matter of fact and degree and having regard to the available evidence, the proposal cannot be considered as an annexe to the dwellinghouse known as Sundowners. Consequently, the appeal scheme is contrary to Policy DEV10 of the JSWLP.

Parking

15. Although my observations can only represent a snapshot of normal highway conditions, I noted that there were no car parking spaces available within the vicinity of the appeal site. To me, but having also regard to concerns raised by interested parties and in the absence of further evidence to the contrary, this is an area which experiences a high level of parking stress.
16. I acknowledge there has been no objection from the Local Highway Authority. Based on the available information, I cannot however be certain that the remaining garage and spaces to the front of the extension accord with the parking dimensions set out in Table 29 of the SPD. As I have found that the use of the extension cannot be considered as an annexe, there is a high likelihood that its occupiers would have their own car(s) and that separate and sufficient car parking would have to be provided to meet their needs.
17. Without adequate on-site car parking provision, the proposed use is likely to increase the demand for parking within the locality, thus placing greater pressure on the local network and increasing illegal, inconsiderate or obstructive parking, to the detriment of highway safety. Accordingly, and in the absence of sufficient evidence demonstrating otherwise, I cannot be satisfied that the appeal scheme provides adequate on-site parking, contrary to the aims of Policy DEV29 of the JSWLP. Among other things, this policy requires sufficient provision and management of car parking to protect residential amenity and ensure highway safety.

Other Matters

18. The Council did not raise concerns regarding the effect of the proposal on the South Devon National Landscape (NL), and there are no reasons for me to reach an alternative view. Having regard to the available evidence and my own observations, it is clear that the development is seen as part of the built form of Salcombe and therefore leaves the natural beauty of the South Devon NL unharmed.

Conclusion and Recommendation

19. The appeal scheme conflicts with the development plan as a whole and there are no material considerations which outweigh this finding. For the reasons set out above, and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

N Manley

APPEAL PLANNING OFFICER

Inspector's Decision

20. I have considered all the submitted evidence and my representative's recommendation and on that basis the appeal is dismissed.

S Edwards

INSPECTOR