



Appeal Decision

Site visit made on 5 February 2018

by David Wildsmith BSc(Hons) MSc CEng MICE FCIHT MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 February 2018

Appeal Ref: APP/H1840/W/17/3183773

Land adjacent to Ombersley Golf Club, Bishops Wood Lane, Ombersley

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by John Dowty Ltd against the decision of Wychavon District Council.
 - The application Ref 17/01518/OUT, dated 20 July 2017, was refused by notice dated 30 August 2017.
 - The development proposed is a live/work unit.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. The application was submitted in outline, with all matters reserved for later determination.

Main issue

3. The main issue is whether the proposal would represent an acceptable form of development, having regard to its location outside of any development boundary.

Reasons

4. The appeal site comprises a small parcel of rough, undeveloped grassland, lying to the north-east of the junction between Bishops Wood Road and Comhampton Lane. It is part of the Ombersley Golf Club which lies to the north and west, on both sides of Bishops Wood Road. Established roadside hedging, interspersed with some trees, lines the site's western and southern boundaries, with further trees and vegetation to the east, separating the site from Colona, a semi-detached dwelling which lies a few metres beyond the appeal site. The northern boundary is open to the golf course. Access to the site is currently obtained through a gated entrance from Bishops Wood Road.
5. The illustrative layout plan suggests that the proposed live/work unit would be located in the southern part of the site, with a car parking area in the northern part. Additional landscaping is also shown at the northern site boundary.
6. In addition to the 2 semi-detached dwellings immediately to the east, there is a further property to the south of Comhampton Lane, to the east of the appeal site, and a small complex of buildings at Glebe Farm Barns on the western side of Bishops Wood Road. The car park and clubhouse buildings of Ombersley Golf Club lie a little to the north, on the western side of Bishops Wood Road. Despite the

presence of these other buildings, the appeal site lies in a relative isolated location, outside any development boundary, and therefore within the open countryside for planning purposes, as is made clear in Policy SWDP 2 of the South Worcestershire Development Plan ("SWDP"), adopted in February 2016.

7. This policy indicates that development will be strictly controlled in the open countryside and limited to a number of specified categories. One of these is "development specifically permitted by other SWDP policies", with a footnote explaining that one of these is Policy SWDP 8. This is in the Economic Growth section of the SWDP and is entitled "Providing the Right Land and Buildings for Jobs". Part G deals specifically with proposals for live/work accommodation, stating that they will be permitted subject to satisfying 7 listed criteria.
8. The criteria relevant to this proposal are that the residential use is ancillary with floor space split at least 60% employment and no more than 40% residential; the residential accommodation contains no more than 3 bedrooms; the residential and work spaces are entirely separate with separate entrances and toilet facilities; all units have access to superfast broadband or equivalent infrastructure; and the proposed use does not involve the sale of goods to visiting members of the public or fall within the A3, A4, A5, B2, C1, or C2 use classes. As the appeal proposal is in outline, I see no reason why these criteria could not be satisfied at the detailed design stage, covered by reserved matters.
9. There are no specific references to live/work proposals in the National Planning Policy Framework ("the Framework"), although paragraph 21 does state that local planning authorities should facilitate flexible working practices such as the integration of residential and commercial uses within the same unit. The Framework also seeks to build a strong, competitive economy, with paragraph 19 stating that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth.
10. In addition, paragraph 28 indicates that planning policy should support economic growth in rural areas, in order to create jobs and prosperity by taking a positive approach to sustainable new development. Amongst other matters it explains that to promote a strong rural economy, local and neighbourhood plans should support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings. In my view the Council has carried forward these requirements in Policies SWDP 2 and SWDP 8, and the appeal proposal would therefore accord with these local and national requirements.
11. However, notwithstanding the support given to the appeal proposal by the above policies, this does not automatically make the proposal acceptable. Consideration also has to be given to other relevant SWDP policies as well as other material considerations, including further relevant policies within the Framework.
12. Policy SWDP 4 is relied on by the Council, and is the only policy cited in the reason for refusal. This policy is entitled "Moving Around South Worcestershire" and contains many different sections. Part A, under "Managing Travel Demand" states, amongst other matters, that proposals must demonstrate that the layout of development will minimise demand for travel, offer genuinely sustainable travel choices, and address road safety.
13. As the Council points out, these requirements are consistent with the provisions of the Framework, especially the core planning principle that planning should actively

manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and should focus significant development in locations which are or can be made sustainable. Paragraph 35 of the Framework is also relevant as it indicates, amongst other things, that developments should be located and designed, where practical, to give priority to pedestrian and cycle movements and have access to high quality public transport facilities; and accommodate the efficient delivery of goods and supplies.

14. With these points in mind, I have noted the appellant's comment that the appeal site is within walking distance of the Golf Club, which includes a club shop and café/restaurant, and that there are farm shops located along Mount Pleasant Lane to the north-east, which connects to the A449 and the various bus stops located on it. However, I saw at my site visit that although Bishops Wood Road has wide verges, it has no footways or street lighting, and whilst the Golf Club facilities and the farm shops referred to would undoubtedly be able to meet some of the needs of any future residents or workers at the proposed unit, they would only be likely to offer limited goods and services.
15. Moreover, the route to the nearest bus services on the A449 would be along narrow, unlit country lanes, without pedestrian facilities, and I share the Council's view that walking along such routes would be perceived as unsafe and undesirable to most people. In view of these points it is clear to me that future residents and workers at the proposed unit would be highly likely to be dependent on the private car to satisfy their shopping and service needs. As such, the proposed development would be at odds with Policy SWDP 4, as it would not offer genuinely sustainable travel choices or address road safety.
16. That said, I do recognise that commuting trips would be reduced, by the very nature of the live/work unit - although in the absence of any specific details about possible future occupiers, and as up to 3 bedrooms could be provided, there could be no guarantee that all residential occupiers would work at the site.
17. When policies pull in different directions, as here, it is necessary to undertake a planning balance. In terms of matters which weigh in the proposal's favour, the appellant has referred to the 3 dimensions of sustainable development set out in paragraph 7 of the Framework, and I accept that the proposed development would satisfy the economic role, through employment during the construction phase (albeit modest), and by the future provision of jobs. There would also be ongoing economic benefits as a result of Council tax and business rates, although none of these benefits would be exclusive to this proposal, but would arise from any new residential or employment development in the District.
18. The provision of a new residential unit would provide some social benefit, but in my view this would be limited. Although the appellant claims that the live/work unit would be generally well-situated to support the various services and facilities of the existing local settlements, as any such trips would be likely to be by car, it cannot be guaranteed that they would remain local. Moreover, as I have already noted that the proposed unit would be relatively isolated, it would not assist in one of the key elements of the social role, detailed in the Framework, namely that of supporting strong, vibrant and healthy communities. Nor would it assist in creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being. In view of these points, and contrary to the appellant's assertion, I am not persuaded that the appeal proposal would satisfy the social role of sustainable development.

19. Insofar as the environmental role is concerned, the appellant argues that the appeal proposal would help to move to a low carbon economy, through a unit that does not require the occupier to commute daily from their place of work. However, for the reasons given above, any advantages arising from reduced commuting trips are likely to be offset by the trips needed to service other needs - for example shopping, education and leisure - such that there can be no guarantee that the overall balance would favour a low-carbon economy.
20. As it would involve the construction of a new building in the open countryside, it is difficult to see how the proposal could be said to protect or enhance the natural environment, although I do acknowledge that it could undoubtedly be designed to be rural in nature and to not adversely impact on neighbouring occupiers. In view of these points I consider it reasonable to assume that the proposal would be neutral in environmental terms.
21. Overall, the proposal receives support from Policy SWDP 8, but can only be said to clearly satisfy the economic role of sustainable development. In my assessment, this does not outweigh the policy conflict with SWDP 4, as the proposed development would not offer genuinely sustainable travel choices or address road safety issues, for the reasons already given above. My overall conclusion, therefore, is that the proposal would not represent an acceptable or sustainable form of development in this countryside location.

Other matters

22. I have had regard to the various other examples of proposals for live/work units that have been put before me - some allowed and some not - but none of them seem to me to be directly comparable with the current case. In particular the proposal at Church Road, Bradley Green, which was allowed on appeal¹ and has been referred to in detail by both the Council and the appellant, differed notably from the appeal proposal by being for a known end-user/purpose, and being located only about 250m outside the development boundary of Bradley Green. Because of this, I am not persuaded that this proposal, or any of the others referred to, should have any significant bearing on the current proposal which I have, in any case, determined on its own merits.
23. I have also noted the various concerns raised by interested persons which include such matters as flooding, traffic impact and highway safety, and likely impact of the work unit on living conditions of nearby residents. However, I see no reason why such concerns could not have been addressed satisfactorily at a detailed design stage, if all other matters had been in the proposal's favour.

Overall conclusion

24. Taking all the above points into account I conclude that this appeal should be dismissed. I have had regard to all other matters raised, but they are not sufficient to outweigh the considerations which have led me to my conclusion.

David Wildsmith

INSPECTOR

¹ Appeal Ref: APP/H1840/W/17/3176897, dated 15 November 2017