
Appeal Decisions

Site visit made on 3 September 2019

by E Griffin LLB Hons

an Inspector appointed by the Secretary of State

Decision date: 02 December 2019

Appeal Ref: APP/H1840/W/19/3230487

Land off Old Turnpike Road, Crowle, Worcestershire WR7 4AG

- 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 Mr Richard Mead against the decision of Wychavon District Council.
 - The application Ref 18/02040/OUT dated 1 October 2018 was refused by notice dated 7 February 2019.
 - The development proposed is outline application for development of a live/work unit (with all matters reserved).
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Richard Mead against Wychavon District Council. This application is the subject of a separate Decision.

Procedural Matter

3. Although two separate buildings are shown on the site location plan, they are indicative only and show one way in which the appeal proposal could be considered. However, the principle of whether a live/work unit can consist of two separate buildings is relevant to the appeal and forms part of my decision.

Main Issue

4. The main issue is whether the appeal proposal would comply with local and national planning policies having regard to a live/work unit and the location of the appeal site.

Reasons

5. The appeal site is accessed off Old Turnpike Road and is an L shaped strip of land which runs between two dwellings, Five Acres and Highfield House which in turn form part of linear development along Old Turnpike Road. The appeal site continues along the back of Highfield House. Although access is reserved, the existing access is from Old Turnpike Road and the rest of the appeal site is landlocked.
6. The appeal proposal is for a live/work unit. The appeal site is outside the settlement boundary for Crowle and is therefore open countryside as defined

in Policy SWDP2C of the South Worcestershire Development Plan (the SWDP). In open countryside, Policy SWDP2C states that development will be strictly controlled subject to exceptions. Policy SWDP8G provides such an exception with regard to live/work units subject to meeting specified criteria.

7. The appellant has clearly stated that his intention would be to have two separate buildings with the work element in one building and the live element in the other. He would be the end user and does not consider that a single live/work unit would necessarily be suitable due to the nature of his business. The Council's reason for refusal refers to the creation of two separate buildings and there is disagreement between the parties as to whether a live/work unit made up of two separate buildings would be permitted.
8. The Glossary to the SWDP defines a live/work unit as "A purpose-designed unit or group of buildings enabling the occupiers to live and work within the same premises." However, the Glossary appears to me to be describing firstly a single unit and then dealing with a scenario beyond that of the appeal proposal where occupiers are living and working in a group of buildings. The reference to "the same premises" then applies to both options. To detach the live unit from the work unit would not enable occupiers to live and work in the same premises.
9. The appellant considers that a "group of buildings" explicitly allows for more than a single building and I agree that it does but in the context of more than one live/work unit. The appellant is of the view that the use of the word premises rather than building means that there can be more than one building. However, a substitution of the word "premises" for "building" would not have covered both alternatives of both a single live/work unit and a group of units whereas the word premises does fit both options.
10. The appellant further states that as being a single unit is not one of the Policy SWDP8G criteria it is therefore not precluded. The most relevant criteria to the appeal proposal are that the residential use is ancillary with floor space split with at least 60% employment and no more than 40% residential and the residential accommodation is to contain no more than 3 bedrooms.
11. To allow two physically separate elements would result in a building which has 100% employment space and a smaller building which would also have 100% living space. The creation of a separate three bedroomed dwelling in a different location which in this case could potentially be 80 metres from the work building to which it is intended to be ancillary is not in my view supported by the wording of the criteria. Similarly, reference is made to the residential and workspaces having separate entrances and toilet facilities. Had two buildings rather than one been permissible, a requirement for separate entrances and toilets would be unlikely to be necessary.
12. The language used in the criteria does not, in my view, support a single live/work unit being two buildings. The percentage split of the residential and employment use is not defined with reference to separate buildings. The restriction on the number of bedrooms is not linked to a residential building but residential accommodation.
13. Paragraph 81 d) of the National Planning Policy Framework states that planning policies should allow for new and flexible working practices (such as live-work accommodation). It does not provide any further clarification of the

definition of a live/work unit but gives live-work accommodation as an example of a flexible work practice that planning policy should allow for. The Council has a live-work unit policy.

14. The appellant has referred to appeal decisions relating to Bluebell Farm that were decided in December 2018.¹The Inspector had two proposals before him, one for a single live/work unit in one building and a second proposal for separate live and work elements. The Inspector allowed the appeal in respect of the single live/work unit but dismissed the second appeal with separate buildings on the grounds of character and appearance.
15. Whilst there are similarities with the appeal proposal, there are also differences in approach. The Inspector referred to both parties undertaking a somewhat forensic examination of various words such as premises and unit but considered that there was nothing in the SWDP Glossary that precluded a live/ work unit comprising separate buildings and to do so would be inconsistent with the Framework. I have not found that to be the case with regard to this appeal for the reasons stated. The appeal proposal with two separate buildings potentially 80 metres apart is also different to the appeal decisions where from the plan supplied the buildings are closer and the Inspector had more detailed information before him and ultimately allowed a single live /work unit within one building.
16. Although outline, the work element would be storage (B8) and light industrial (B1) to be used in association with the appellant's existing business which involves carrying out building, renovating and other property building works. Reference is also made to light industrial work including woodwork such as carpentry and joinery and metalwork operations. There would also be use of a lathe, table saws, circular saws, hand tools and some grinding and welding. The appellant considers that these uses still fall within B1 Use light industrial. However, B1 Uses by definition are uses that can be carried out in any residential area without detriment to the area to various matters including noise and vibration.
17. The appellant states that there could be a reasonable degree of noise taking place which could create sub-standard living conditions for the appellant's family or future occupiers. The appellant has stated that the nature of his business is such that a single live/work unit would not be appropriate and I have found that two separate buildings would not fall within the definition of a live /work unit.
18. The appeal site falls within open countryside and I do not consider that the appeal proposal would meet the definition of a live/work unit. It would therefore be contrary to Policy SWDP8 and the Glossary definition of a live/work unit and does not fall within one of the exceptions to Policy SWDP2C that would allow development in the open countryside.

Other Matters

19. Had I been minded to allow the appeal, the creation of a separate dwelling would have needed to be controlled to ensure that the two buildings could not be sold separately. With one single unit, in the event of any change in circumstances of the appellant, the whole unit would be sold and the separate

¹ APP/j1860/W/18/3200757/3201427

uses of the unit would be controlled by condition. The appellant has referred to the use of conditions and/or a legal agreement to prevent either building being disposed of although the suggested conditions deal only with use and no Section 106 agreement has been provided to prevent the sale of one building without the other.

20. There are objections to the appeal proposal which I have taken into account where they relate to material planning considerations. However, the policy requirements are to meet the listed criteria and do not for example require the appeal proposal to be a rural business.

Other considerations

21. A live/work unit would remove commuting journeys to and from work for the business occupier and the appeal site has access to facilities at Crowle village which is a Category 3 village. The Council has not therefore raised any issues with regard to sustainable travel choices.
22. I note that the appellant states that the appeal site is brownfield although I have limited information about the appeal site's history other than a planning permission for use of land for storage of mini diggers and associated plant which appears to relate to part of the land. Although the appellant refers to previous land uses for a farm shop/butchery business, limited details are provided. Whilst there are dilapidated pre-fabricated buildings which would be unsuitable for conversion and rubble on the appeal site, improving the site is not necessarily dependent upon the grant of planning permission. Any short-term economic benefits from the construction of a single live/work unit are likely to be modest.
23. The appellant considers that the nature of the work carried out by the appellant is a material consideration as there could be amenity impact for the appellant or future occupiers which justifies the need for separate buildings. However, the policy sets out clearly the Use classes that could be accommodated which are intended to ensure that a live/work unit within a single building would not be likely to create amenity issues for occupiers.

Conclusion

24. Whilst the appellant considers that the appeal proposal is sustainable development, Paragraph 9 of the Framework states that these are not criteria against which every decision can or should be judged. Planning policies should take these criteria taking into account. I have, in any event, found the benefits to be modest.
25. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicated otherwise. I have not found that materials considerations outweigh the conflict with policy that I have identified. For the reasons given, I dismiss the appeal.

E. Griffin

INSPECTOR