
Appeal Decision

Site visit made on 23 February 2021

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 March 2021

Appeal Ref: APP/J1860/W/20/3263431

Land adjacent Ridgeacre Farm, Broad Green, Broadwas WR6 5NW

- 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 Miss Trigg and Mr McCluskey against the decision of Malvern Hills District Council.
 - The application Ref 20/01111/FUL, dated 30 July 2020, was refused by notice dated 30 October 2020.
 - The development proposed is a live/work unit.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Miss Trigg and Mr McCluskey against Malvern Hills District Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are:
 - Whether the appeal site is an appropriate location for a live/work unit having regard to accessibility to services and facilities; and
 - The effect of the proposed development upon the character and appearance of the area.

Reasons

Location of the live/work unit

4. Policy SWDP 8 G of the South Worcestershire Development Plan (2016) (SWDP) relates to proposals for live/work units and sets out a number of criteria against which such development will be considered.
5. Whilst there is no policy requirement to do so the appellant has submitted a business case which indicates that the proposed development would provide a new space and facilities including a conference room, showroom and photography studio associated with their equine supplies company. The appellant contends the live/work unit would consolidate a number of operations under one roof, significantly reduce business travel and would allow them to

- develop their online business and social media platforms in addition to hosting online and in-house meetings and conferences.
6. I acknowledge that many people are currently working from home during the pandemic. However, based on the evidence before me I am satisfied that the proposed development is required for a genuine business need and would accord with relevant criteria outlined under the policy. As such, the proposed development accords with Policy 8 G.
 7. Notwithstanding the above, the Council contend that the site is in a location with poor access to services and facilities and future occupiers would be over reliant on a private car. Policy SWDP 2 outlines the development strategy for new development in the area. Part C sets out that employment development in rural areas will be permitted. It is clear from the wording of the Policy and the 'reasoned justification' that some development will take place outside of urban areas and in rural and more remote locations leading to a reliance on private cars.
 8. The site is located some distance from the nearest settlement with services and facilities and reached via country roads. The country roads without footpaths or lighting make walking or cycling to and from the site undesirable and impractical. Consequently, future occupants would be reliant on private car to access services and facilities available in the wider area and thus it conflicts with Policy SWDP 4 which, amongst other things, seeks to ensure that developments offer genuinely sustainable travel choices.
 9. Whilst there would be some conflict with Policy SWDP 4, I find that the location of the development and its accessibility to services and facilities would not be unacceptable. I acknowledge that the National Planning Policy Framework (the Framework) promotes sustainable travel including walking, cycling and public transport. However, it acknowledges at paragraph 83 that in order to support the rural economy sites to meet local business needs may have to be located beyond existing settlements. Paragraph 103 recognises that transport solutions will vary between urban and rural areas. As such there will be a tension and a balance to be struck between the desirability of supporting sustainable rural employment and maximising sustainable transport opportunities.
 10. I acknowledge that the proposed development may generate product deliveries and visits for meetings. However, there is no evidence to indicate that these would occur on a regular basis. Given the use of modern technology including superfast broadband and video conferencing and the nature of the proposed live/work unit it is likely to reduce journeys overall despite some personal and business trips taking place. Despite its rural location I find that the economic benefits of the proposal would overcome the perceived locational disadvantages of the appeal site.
 11. I conclude that the proposed development would be located within an appropriate location and would accord with Policy SWDP2 which, amongst other things, support employment development and the expansion of existing employment sites in rural areas. Whilst there would be some conflict with Policy SWDP 4 in respect of offering genuinely sustainable travel choices, it would not conflict with the SWDP when read as a whole and its sustainable development principles. It would also accord with the Framework.

Character and appearance

12. The appeal site comprises an open field forming part of Ridgeacre Farm. Whilst the farmhouse sits close to the site it is surrounded by fields in agricultural use and views of countryside beyond. Despite not being subject of any special designation the character and open nature of the site contributes to the verdant and rural character of the area. There are a number of public footpaths that cross the surrounding landscape.
13. Whilst the Council's Footpath Officer and the Ramblers Association raise no objection to the proposal, I observed that the site is clearly visible from viewpoints along nearby footpaths. Albeit localised the proposed live/work unit would be a prominent feature clearly distinguishable to users of the footpaths.
14. I acknowledge that nearby houses vary in terms of age and appearance and the proposal would maintain a visual gap between existing buildings. However, the proposed development would not successfully integrate into the wider landscape. It would be very apparent and visually intrusive appearing as an incongruous form of development that would change the verdant appearance of the site into something more urban. It would significantly erode the site's verdant and rural appearance adversely affecting its character and appearance.
15. The appellant contends the proposal seeks to raise the standard of design in the local area, being designed by a local architect with their needs in mind and complying with live/work design guidance. However, the proposed development would have an urban appearance which together with its overall scale and mass and extensive hard surfacing and site coverage would appear as an unduly prominent and incongruous feature within open countryside. This harm would not, in my view, be overcome by new landscaping.
16. I acknowledge that live/work guidance does not prevent new buildings from being constructed, the live/work unit would not benefit from permitted development rights and domestic paraphernalia may well be limited due to the size of the residential element. However, the introduction of substantial built form and associated paraphernalia in this location would result in an unacceptable urbanisation of the site and encroachment into undeveloped countryside adversely harming its character and appearance.
17. Consequently, I conclude that the proposed development would adversely affect the character and appearance of the area contrary to Policies SWDP 2, SWDP 21 and SWDP 25 which, amongst other things, require developments to be of an appropriate scale and type with regard to local landscape character and location, to integrate effectively with its surroundings and complement the character of the area.
18. It would also be contrary to paragraphs 127, 130 and 170b of the National Planning Policy Framework which, amongst other things, require development to add to the overall quality of the area, to be sympathetic to local character and to recognise the intrinsic character and beauty of the countryside.

Conclusion

19. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR