



Appeal Decision

Site visit made on 2 February 2021

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 March 2021

Appeal Ref: APP/J1860/W/20/3261869

Allsetts Farm, Broadwas WR6 5NS

- 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 Mr P Brooks and Mrs Bujanski against the decision of Malvern Hills District Council.
 - The application Ref 20/01165/FUL, dated 6 August 2020, was refused by notice dated 2 October 2020.
 - The development proposed is development of a B1 commercial unit.
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Decision

1. The appeal is allowed and planning permission is granted for development of a B1 commercial unit at Allsetts Farm, Broadwas WR6 5NS in accordance with the terms of the application, Ref: 20/01165/FUL, dated 6 August 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan Drawing Number 01; Proposed Block Plan Drawing Number 02; Block Plan Drawing Number 02A; Proposed Plans Drawing Number 03.

Procedural Matter

2. On 1 September 2020, the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (the Regulations) came into force, amending the Town and Country Planning (Use Classes) Order 1987 (the Use Classes Order). The Regulations state that applications submitted prior to 1 September 2020 must be decided based on the use classes to which they refer. I have assessed the appeal accordingly, without cause to seek amendments to the description of development.

Main Issues

3. The main issues are:
 - Whether the proposed development is located within a suitable location with particular regard to accessibility; and
 - The impact of the proposal upon the living conditions of future occupiers of the proposed live/work unit.

Reasons

Location of site

4. The appeal site is formed of an open area within a wider complex made up of commercial units, traditional farm buildings converted into residential use and a dwelling located within open countryside. A Public Right of Way (PROW) extends along the driveway leading to the complex and through neighbouring fields. Given the open nature of the surrounding land there are views of the site from a number of public vantage points.
5. I have been made aware of the previous planning history for the site which includes planning permission for the conversion of former agricultural buildings to light industrial use and construction of a live/work unit that, when completed, would neighbour the site of the proposed development.
6. Policy SWDP 2 of the South Worcester Development Plan (2016) (SWDP) 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 Policy SWDP 2 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 motor vehicles.
7. SWDP Policy 12 C. sets out that the expansion of existing employment sites in rural areas will be supported where it has been demonstrated that intensification of the existing site is not viable or practical. The supporting text to the policy indicates that such uses should be considered favourably unless it harms the integrity of a settlement or landscape character. It is intended for the policy to be read in conjunction with Policy SWDP 8 E. which supports the provision of employment land provided it supports an existing business or new enterprise of a scale appropriate to the location.
8. There is no existing business on site or building to replace or convert. However, SWDP Policies 8 and 12 do not indicate that these are the only circumstances where rural employment and business proposals will be supported. It is apparent to me from the 'reasoned justification' that the policies allow a more flexible approach to rural enterprise.
9. The proposed development would be located on an existing employment site and would be small scale commensurate to the size of the neighbouring units and the live/work unit. It would have positive benefit by providing additional employment land in the area either for a new enterprise or an existing business, despite there being no certainty that one of the appellants would occupy the proposed development.
10. The Council express concern that the site is in a location where access would depend on private motor vehicles. It is acknowledged in the National Planning Policy Framework (the Framework) in 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.
11. I acknowledge that the site is located some distance from the nearest settlement with services and facilities, with no bus service and the country

roads without footpaths or lighting make walking or cycling to and from the site undesirable and impractical. Thus, taking into account the site's rural location staff and visitors would be more reliant on private vehicles to access it and thus there is some conflict with SWDP Policy 4. Notwithstanding the above, I find that the location of the development and its accessibility would not be unacceptable.

12. Whilst the level of such journeys would be difficult to predict the proposed development would be small scale and unlikely to generate significant levels of staff or visitor trips to and from the site. Despite its rural location I find that the economic benefits of the proposal would overcome the perceived locational disadvantages of the appeal site.
13. I conclude that the proposed development would be located within an appropriate location and would accord with Policies SWDP2 and SWDP12 C 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.

Living conditions for future occupiers

14. The proposed development would be sited close to the live/work unit, but nonetheless a gap would be maintained between the two and a degree of separation. Notwithstanding the Council's comments it would not significantly erode the space around the live/work unit or result in an unduly oppressive or overbearing feature due to this separation and its modest scale and mass. There is no credible evidence before me to indicate that it would unduly harm the living conditions of the potential occupiers of the live/work unit or that it would restrict future growth or expansion.
15. As such I conclude that the proposed development would not unduly affect the living conditions of the potential occupants of the live/work unit. It would accord with Policy SWDP 21 of the SWDP which, amongst other things, seeks high design quality that integrates effectively with its surroundings and provides an adequate level of privacy, outlook, sunlight and daylight and should not be unduly overbearing.
16. It would also accord with paragraph 127 of the Framework which, amongst other things, seeks development with a high standard of amenity for existing and future occupiers.

Other Matters

17. The Council's decision notice does not allege harm in respect of character and appearance even though the Council's Statement refers to harm. The proposed development would be positioned between existing buildings and the proposed live/work unit and would be constructed from reclaimed materials.
18. The appearance of the proposed development would be in keeping with its rural surroundings and its modest scale and low height would not be uncharacteristic of buildings within the wider farmstead complex.
19. Its position would continue the L shaped form of the live/work unit replicating the layout of other buildings on the wider site. Whilst it would largely infill a

gap between neighbouring buildings the proposed development would leave obvious gaps either side and the contrasting forms and scales of buildings would break up the built form rather than appearing as a solid or continuous block. Its position, appearance and scale would not result in an unduly intensive development but a pleasant addition to an already varied farmstead. As such, it would not adversely affect the character and appearance of the area.

20. I note the representations received to the planning application. However, there is no substantive evidence to indicate that the proposed development would unduly affect use of the PROW or that it would be used for non-employment purposes. The appellant indicates that the building would be used for employment purposes and based on the evidence before me I am satisfied that the proposed development would be used for such a purpose.

Conditions

21. In addition to the standard time limit condition, I have imposed a condition specifying the relevant drawings as this provides certainty.
22. The Council has suggested a condition limiting the use of the proposed development to a florist business only with no retail footfall. However, there is no substantive evidence before me to suggest that this condition is necessary to make the proposal acceptable in planning terms therefore the condition has not been imposed.

Conclusion

23. For the reasons set out above the appeal succeeds.

B Thandi

INSPECTOR