



Appeal Decision

Site Visit made on 6 July 2021

by A Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 July 2021

Appeal Ref: APP/H1840/W/21/3271599

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

- 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 20/00732/OUT, dated 31 March 2020, was refused by notice dated 23 September 2020.
 - The development proposed is a live/work unit.
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Decision

1. The appeal is dismissed.

Applications for costs

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

Preliminary Matters

3. The application was made in outline with all matters reserved for future consideration. I have considered the appeal on the same basis.
4. Since the time of the submission of the application, changes have been made to the Town and Country Planning (Use Classes) Order 1987 such that uses that previously fell within Class B1, now fall within Class E. However, the regulations state that any application made before the changes came into effect shall be determined by reference to the previous use classes. Therefore, for the purposes of this appeal, I have referred to Class B1 instead of Class E. Classes B2 and B8 are unaffected by the changes to the Order.

Main Issues

5. The main issues are:
 - the effect of the proposal on the living conditions of the occupiers of neighbouring properties with regard to noise and disturbance; and
 - whether the proposal would be suitably located in terms of minimising the demand for travel and offering sustainable travel choices.

Reasons

Living conditions

6. The appeal site is L shaped, running alongside and then behind the adjoining property at Highfield House. Another dwelling, Five Acres, is sited the other side of the site.
7. The proposal would allow the appellant to live at, and operate his business from, the site. However there are few precise details of the nature of the appellant's business. The appellant's Planning Statement refers to a 'development business' and that the work unit would need to accommodate meeting space to enable the appellant meet clients, project managers or team members. Elsewhere in the Statement it says that the appellant has built up a good business base and is able to offer a high quality product, that there would be valuable tools and equipment stored on site and so a need for storage for larger equipment, and that there would be a workshop/storage space for undertaking projects. It adds that there would be around two deliveries per week, though of what, it is not stated, and that occasionally contractors may work at the site. Overall, none of this clarifies what the appellant's business precisely is or the processes involved, and although the Statement insists the business is not a Class B2 Use, because it is small and does not involve significant industrial processes, I do not have sufficient information before me to be able to agree.
8. The appellant has provided their appeal statement for their previous appeal¹ for the site which related to a similar proposal. This referred to the appellant's business as being building and renovating work and that carpentry, joinery and metalworking would take place at the site. This would involve the use of a lathe, table saws, circular saws as well as hand tools, and would involve grinding and welding. These are industrial processes which, if they would cause detriment to the amenity of a residential area, would mean the proposed use would be a Class B2 Use.
9. The Council consider that the use would be a Class B1/B8 Use but that in the reserved matters submission it would need to be demonstrated that the operations would not cause detriment to the amenity of the area. I disagree with this approach. It is at this outline stage that planning permission would be granted and the nature of the proposed use must be understood in order to assess it against development plan policy. In my view, from the information before me, the exact nature of the appellant's business is unclear and there is sufficient doubt that that the operations could cause harm to the detriment of nearby residents.
10. The Inspector of the previous appeal said the work element would be a Class B1/B8 Use but then went on to refer to the industrial processes outlined above. Noting that Class B1 Uses are those which are carried out in a residential area without detriment to the area including through noise and vibration, the Inspector goes on to say that the appellant accepts that there could be a reasonable amount of noise taking place which could create sub-standard living conditions for the appellant's family. This therefore clearly suggests the work element could not have been a Class B1 Use. I acknowledge this view was on the basis that the work unit would be within the same building as the live unit.

¹ APP/H1840/W/19/3230487

Nonetheless it is reasonable to consider that if the operations may be noisy and cause disturbance to the appellant's own family on the site, they could also be disturbing to neighbouring occupiers, particularly those of Highfield House whose dwelling is close to the common boundary and whose rear garden is adjoined on two sides by the appeal site.

11. No details of the proposed layout of the site, such as indicating the position of the proposed live/work unit, have been provided. However, due to the narrow width of the site, wherever on site the unit would be, it would not be far from the boundaries of neighbouring dwellings.
12. The appellant states that they are aware of the limitation of a Class B1 Use and that the use of the site could be controlled by condition. Nonetheless, it would not be appropriate to impose such a condition if the use granted by the planning permission would not reflect the actual proposed use. In this respect it differs from the example provide of the planning permission granted for four speculative live/work units at Greenacres, Hanbury Road. Also, the proposal differs from the other examples provided by the appellant where the nature of the business to use the work units appears to be more clearly defined.
13. In summary, I cannot be confident that the development would not generate noise or not be disturbing to the neighbouring occupiers such that their living conditions would not be unacceptably harmed. As such it would fail to accord with policy SWDP 21 of the South Worcestershire Development Plan which requires development to integrate with its surrounding in terms of its function. It could also fail to comply with part G vii. of Policy SWDP 8 which says that live/work uses cannot fall within Class B2.

Location

14. The site is located within a row of houses on Old Turnpike Road. These are separated from the main part of the settlement of Crowle Green by open fields. Indeed, the site is outside the development boundary of Crowle Green and is designated as open countryside.
15. Within Crowle Green there is a pub and a small shop as well as a bus stop which is served by buses going to Worcester. These facilities are about a five minute walk away and a pavement runs along Old Turnpike Road almost the whole way to them from the site. Crowle is slightly further from the site and accommodates a church, shop, café and primary school. These two settlements together provide a reasonable range of services for the every day needs of the occupiers of the site that would be accessible by sustainable modes of travel. The previous Inspector opined that the site has access to these facilities, and I have no substantive reason to disagree.
16. The applicant would need to travel further afield for other facilities such as comparison shopping, healthcare, education and work (other than the family business). However, this would be similar to any resident of a village the size of Crowle, and it should not be expected that every settlement provides every facility or service a family would need.
17. A live/work unit may also generate fewer vehicular movements than a dwelling where the occupiers drive to a separate workplace each day. There would be trips generated by the appellant visiting clients, or clients visiting the site, but this would be no different were the appellant to have a work premises

elsewhere. Consequently, the proposal would most likely minimise vehicular movements.

18. Policy SWDP 4 of the South Worcestershire Development Plan specifically requires proposals to minimise demand for travel and offer genuinely sustainable travel choices. The live/work unit, by its nature and by its accessibility to the services and facilities in Crowle and Crowle Green, would accord with this policy.

Other Matters

19. The site is generally overgrown and contains a dilapidated building towards its rear. However, it is generally well screened from the road by mature trees at its front and therefore it does not currently detract from the quality of the street scene. As such, although the proposal would improve the appearance of the site, and would involve the development of previously developed land, this carries limited positive weight.

Conclusion

20. Although the proposal would minimise travel movements and offers sustainable travel choices, this is outweighed by the fact that I cannot consider it would not unacceptably harm the living conditions of nearby residents. As such, the development conflicts with the development plan taken as a whole and there are no material considerations to suggest the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, and having had regard to all other matters raised, the appeal is dismissed.

A Owen

INSPECTOR