



Appeal Decision

Site visit made on 14 July 2021

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 October 2021

Appeal Ref: APP/H1840/W/20/3266091

The Timber Yard, Crabbe Lane, Wadborough WR8 9HF

- 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 Butler against the decision of Wychavon District Council.
 - The application Ref 20/00597/FUL, dated 18 March 2020, was refused by notice dated 3 July 2020.
 - The development proposed is erection of 1no. live/work unit following demolition of existing buildings.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. Since the appeal was lodged, a revised version of the National Planning Policy Framework, 2021 ('the Framework, 2021') has been released. The main parties have been consulted on this and I have taken this into account where relevant to my Decision.
3. During the appeal, the appellant submitted an updated ground floor plan (drg ref: 007a) this shows a separate toilet and kitchenette for the workspace element of the proposed live/unit. As this drawing addresses a requirement for live/work units and does not alter the nature of the proposal, I have therefore accepted this drawing in determining the appeal and I do not consider that the interests of any party have been prejudiced by my having done so.

Main Issues

4. The Council's third reason for refusal relates to insufficient information, regarding required visibility splays and the consequences of this on protected trees. During the appeal the appellant has provided an amended site block plan (drg ref: 003 Rev B) which shows that there would be no change to the existing access point. On this basis the Council is not pursuing the third reason for refusal. I have also considered this and have no reason to take a contrary view.
5. Accordingly, the main issues are (i) whether the development would be in a suitable location for live/work unit, taking into consideration local and national planning policies; and (ii) the effect of the proposal on the character and appearance of the site.

Reasons

Suitability of the site's location for a live/work unit

6. For planning purposes, the site is beyond any defined development boundary and as such is within the open countryside as defined under Policy SWDP 2 of the South Worcestershire Development Plan ('SWDP'). Policy SWDP 2 criterion C sets out that development in the open countryside will be strictly controlled and will be limited to certain exceptions, which includes development specifically permitted by other SWDP policies, such as Policy SWDP 8 cited at footnote 3 of the policy. Of relevance to the proposal is the exception cited within Policy SWDP 8 criterion G relating to proposals for live/work accommodation. This policy contains a list of criteria that such proposals must comply with. Based on the case put forward by the appellant the proposal would comply with these criteria.
7. Nevertheless, the Council argue that the appellant would be essentially relocating away from the head office of the company and therefore the development would not result in creating job opportunities. The Council defines a live/work unit as 'a purpose-designed unit or group of buildings enabling occupiers to live and work within the same premises.'
8. The proposed live/work unit is predicated on the specific requirements of the appellant who is the founder and managing director of Rotec Engineering Limited. In summary, the appellant intends to undertake research and development at the proposed live/work unit as this requires space away from the day-to-day operation of the factory as well as machinery to develop new engineering processes and products. In light of this, the proposal would fall within the Council's definition of a live/work unit. Further, the innovation of processes and products would support economic growth. There is also support for the proposal from the Council's Economic Development services.
9. The supporting text to Policy SWDP 8 states that the approved development may be controlled by planning conditions or a legal obligation governing the use of the premises. The main parties have not put forward any mechanism to secure such an arrangement. Nevertheless, if the appeal were to succeed a condition could be incorporated to this effect.
10. As set out above, Policy SWDP 2 seeks to control development in the open countryside. The reasoned justification of the policy states that sites beyond development boundaries generally are less sustainable as access to local services and employment opportunities tends to be poorer and therefore it is appropriate that development in the open countryside is restricted to proposals which are supportive of more specific SWDP policies.
11. Policy SWDP 4 of the SWDP seeks to ensure that, amongst other things, development proposals minimise the demand for travel and offer genuinely sustainable travel choices. Policy DBWP9 of the Drakes Broughton and Wadborough with Pirton ('NP') also sets out similar aims.
12. In this case, the nearest settlement to the appeal site is Wadborough, which is about 1.4 km away. This is a Category 4B settlement having low/medium level of public transport and low services/facilities provision. The town of Pershore lies approximately 2.5 km from the site. Moreover, the nearest bus service is in Wadborough with a route to Pershore and Worcester and this only provides a

limited service. I also observed that there are no footpaths or street lighting along Crabbe Lane and the distance to the nearest settlements would deter future occupiers from walking or cycling to access services and facilities.

13. The proposed residential accommodation would be sufficient to accommodate a family and it is not unreasonable to consider that not all occupiers of the unit would necessarily be employed with the commercial enterprise associated with the proposal and therefore notwithstanding the availability of on-line shopping, trips would still be required to access day to day services and facilities such as health and education. Therefore, the location of the site offers no suitable sustainable travel choices. As such, the occupants of the proposed live/work unit would be highly reliant on car travel. This would harm the aims of the development plan in minimising the demand for travel and offering genuinely sustainable travel choices.
14. However, the location of the proposal would not be contrary to SWDP2 C with reference to Policy SWDP 8. On this basis I consider that the possibility of car journeys outside development boundaries is accepted in the reasoned justification of policies SWDP 2 and 8.
15. Furthermore, the nature of live/work units negates the need for a daily commute to work and whilst the site is vacant at present, the extant use of the site which the proposal would replace is also heavily reliant on travel associated with private motorised vehicles. Therefore, these factors limit the extent of harm arising from the conflict with policies SWDP 4 of the SWDP and DBWP9 of the NP.
16. Policy SWDP 2 also states that part of the development strategy is to encourage the effective use and re-use of accessible, available and environmentally acceptable brownfield land. Whilst the site's accessibility may be poor, it is available and environmentally acceptable. This adds some support in favour of the proposal.
17. As such, in my view the harm resulting from the reliance of private motor car and subsequent conflict with policies SWDP 4 of the SWDP and DBWP9 of the NP would be outweighed by the support offered to the proposal by policies SWDP 2 and 8 and its associated economic benefits. Therefore, the proposal would accord with these Policies in respect of the suitability of the site's location for live/work accommodation.

Character and appearance

18. The existing access off Crabbe Lane continues down a track through the site, past pens associated with the former piggery at the site. This area has recently been given approval for 'Change of use of land for the erection of 3 no. timber holiday chalets following demolition of existing pig pen buildings'. Beyond these are a number of storage bays and building formerly used in connection with the timber yard. These are of a low-lying and simple, utilitarian form and of a limited scale and massing. Consequently, this arrangement gives prominence to the site's rural setting.
19. Based on the appellant's evidence, buildings in the area are largely detached dwellings in traditional forms and of brick and tile construction, with some of these incorporating dormers.

20. The proposed building would be in the broad location of the structures that are to be demolished. Despite there being no design codes specific to the area and irrespective of its location and extent of screening, Policy SWDP 21 of the SWDP amongst other things, requires developments to achieve a high design standard.
21. Although the proposed building is designed with a pitched roof form it also incorporates a sizeable and glazed projecting gable on the northeast elevation with an extended roof overhang feature to this. In contrast, the gables on the east and southeast and northwest elevations incorporate verandas, whereas the gable end along the southwest elevation is more ornate. Overall, this results in an atypical form and design. Also, whilst I note the appellant's reasons for using timber in the construction of the building, the extensive use of this in combination with its design and form, would result in the appearance of the building being significantly uncharacteristic of the local vernacular.
22. While the proposed floor space split between the live and work elements of the proposal meets the requirements of Policy SWDP 8, the residential element would be two-storey with the second-floor accommodated within the roof space. However, the work element which is intended to occupy part of the ground floor would be of a similar height to the residential element, thereby unnecessarily adding to the scale and massing of the building. Moreover, the resulting expansive and elongated front and rear elevations of this building would be exaggerated by the incorporation of the proposed dormers.
23. Notwithstanding that the building is set below the prevailing height of the mature trees that surround the site, the proposal would substantially increase the scale and massing of built development at the site. This, in combination with its uncharacteristic appearance would dominate and detract from the site's rural setting. Although the appellant is willing to work with the Council on materials for the proposed development, this in itself would not address my overall concerns about the scheme.
24. Consequently, the proposal would harm the character and appearance of the site, and I find conflict with Policy SWDP 21, which requires all development to integrate effectively with its surroundings and reinforce local distinctiveness. Further stating that the scale and massing must be appropriate to the setting of the site and the surroundings. Accordingly, I also find conflict with the design aims of the Framework, 2021, which supports the sustainable growth and expansion of all types of business in rural areas, subject to well-designed new buildings and states that development that is not well designed should be refused.

Conclusion

25. I have found that the proposal would be in a suitable location for a live/work unit. On the other hand, the proposal would harm the character and appearance of the site. For this reason and overall conflict with the development plan, I conclude that the appeal should be dismissed.

M Aqbal
INSPECTOR