



Appeal Decision

Site visit made on 7 December 2021

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 January 2021

Appeal Ref: APP/H1840/W/21/3280581

Cider Mill Barns, Long Marston Road, Pebworth, Stratford-upon-Avon CV37 8GF

- 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 Adrian Roberts against the decision of Wychavon District Council.
 - The application Ref 21/00029/FUL, dated 6 January 2021, was refused by notice dated 9 April 2021.
 - The development proposed is demolition of industrial building (unit 3) and erection of a live-work unit.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Decision Notice gave four reasons for refusal but included in the evidence is correspondence between the main parties which states that the Council would not pursue the fourth reason for refusal at appeal, therefore I will not address the issues relating to that reason any further.

Main Issues

3. The main issues in this appeal are:-
 - Whether the proposal is an acceptable form of development, with regard to its location,
 - Whether the living conditions for future residents are acceptable in terms of private amenity space; and
 - Whether sufficient provision is in place for the protection of bats.

Reasons

Location of Development

4. The site is located within a rural area, outside of any defined development boundary, and agricultural and equestrian uses are in the ascendancy, although there is some residential use of the site, and residential property close to the site under that is under separate ownership.
5. The wider appeal site (Cider Mill Barns) has a combination of commercial and employment uses located within the site as well as an element of residential

- use. The area specific to the appeal (Unit 3) was used in conjunction with the catering business operating from the site.
6. The site has an extensive planning history that reflects the various uses indicated in the paragraph above.
 7. Irrespective of the number of buildings of both commercial and residential use in the locality, I find that the appeal site is relatively remote, and within the open countryside, as set out in Policy SWDP2 of the South Worcestershire Development Plan (2016) (The DP).
 8. This policy sets strict controls for development in the open countryside, via a number of criteria including "development specifically permitted by other policies" of which Policy SWDP8 of the DP is included and Part G of Policy SWDP8 addresses live/work accommodation, which lists a further seven criteria to be met.
 9. The appeal proposal meets those seven criteria, despite the fact that the building will be larger than the one replaced, the percentage restrictions of employment and residential function are still met.
 10. Whilst I concur with the appellant that the appeal proposal is consistent with Policy SWDP8, it is not named directly in the reason for refusal, and only forms a strand of the overall policy position in relation to this appeal.
 11. In Paragraph 82 (d) of The National Planning Policy Framework (the Framework), it refers to live/work accommodation in terms of policies being flexible enough to accommodate new and flexible working practices such as live/work accommodation.
 12. Policy SWDP4 of the DP is specifically mentioned in the reason for refusal and relates to, amongst other matters, minimise demand for travel. I find that this policy is consistent with the Framework which references sustainable travel in Paragraph 79.
 13. The remote nature of the site is acknowledged by the appellant, and it is apparent from my site visit and the information supplied by the parties that there are no facilities that are reasonably accessible by public transport or pedestrians.
 14. I find conflict with Policy SWDP4 in that, whilst not explicit in relation to live/work accommodation, development should minimise demand for travel and offer genuinely sustainable travel choices. I find there is little option than to use private transport (car/van etc.)
 15. The support of SWDP8 does not outweigh the conflict with SWDP4, as the development would not offer sustainable travel choices and does not represent sustainable development in this location.

Living Conditions

16. Policy SWDP21 of the DP has been utilised for the reason for refusal in this instance, as well as the South Worcestershire Design Guidance Supplementary Planning Guidance (the SPG) but no actual definitive guidance is given, just recommendations to reflect the site and characteristics of the development. The appellant has indicated that the residential unit is ancillary to the development, but would be willing, if necessary, to address the issue by condition.
17. I find that, if allowed, a condition could be imposed to allow private amenity space if necessary, and therefore the proposal could, theoretically address the issue if required, but as I am dismissing the proposal for other reasons, there is no requirement to deal with this matter in terms of the wording and structure of a condition.
18. With regard to this issue, I am satisfied that the proposal could be modified in order to address the issue of private amenity, and therefore I find no conflict with Policy SWDP21 and the SPG.

Bats

19. A survey was submitted as part of the original application and enhancement recommendations were suggested, which was accepted by the specialist consultee, and could be made subject to conditions.
20. With this implicit acceptance of the proposals by the consultee, and the fact the issue could be resolved by condition, with regard to this issue, I am satisfied that there is no conflict with Policy SWDP22 of the DP.
21. However, this does not outweigh the harm that I have identified previously, and the proposal will still be dismissed.

Other Matters

22. I have taken into consideration other proposals for live/work accommodation, forwarded in support of their position by both parties. None are comparable to the specific circumstances of this case. I also have to determine the appeal on its own merits, and I am not convinced that they have any significant bearing on this particular appeal.

Conclusion

23. For the reasons given, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Paul Cooper

INSPECTOR