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## Appeal Decision

Site visit made on 21 June 2022

**by Bhupinder Thandi BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 04 July 2022**

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**Appeal Ref: APP/H1840/W/22/3290328**

**Oak Tree Farm, Crest Hill, Harvington, Evesham WR11 8NS**

- 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 Nigel Jenkins against the decision of Wychavon District Council.
  - The application Ref 21/01705/FUL, dated 9 July 2021, was refused by notice dated 4 November 2021.
  - The development proposed is 4 live/work units to replace existing workshop/storage, redundant buildings and many large storage containers.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - Whether the proposed development would be an appropriate location for new live/work development with regard to access to services and facilities;
  - The impact upon employment land; and
  - The effect of the proposed development upon the character and appearance of the area.

### Reasons

#### *Appropriate location*

3. 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 permission for development in the countryside, outside the development boundary of settlements will be strictly controlled to development specifically permitted by other SWDP policies, which includes live/work units. 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 locations leading to a reliance on private motor vehicles.
4. The appeal site is located beyond the settlement boundary of Harvington, located to the west of the appeal site, and is sited within open countryside. Whilst future occupants would most likely travel by motor vehicle to larger settlements for goods and services the village is served by a bus service and benefits from a number of services and facilities to meet residents' day to day needs. These services and facilities are directly accessible from the site by foot

via an existing footpath and by motor vehicle. A live/work unit would generate fewer vehicular movements than a dwelling where the occupiers drive to a separate workplace each day. Whilst there would be trips generated by future occupants visiting clients, travelling to schools and shops this would be the situation for existing residents of Harvington.

5. It is acknowledged in the National Planning Policy Framework (the Framework) in paragraph 105 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 development and maximising sustainable transport opportunities. I find that the location of the development and accessibility to services and facilities in Harvington and nearby towns and villages would not be unacceptable. Future occupiers would not be solely reliant on private motor vehicles as future occupiers would have access to alternative modes of transport, in the form of public transport, and some services and facilities would be accessible via the footpath into the village.
6. There is no credible evidence to suggest that future occupiers of the proposed development would be discouraged from walking or cycling to local facilities or that it would undermine social cohesion or community sustainability.
7. The Parish Council have referred to a number of planning applications in the area which they consider are relevant. However, from the evidence before me it is apparent that they relate to materially different schemes. In any event every appeal must be considered on its own merits, as I have done.
8. I conclude that the proposed development would accord with SWDP Policy 4 which, amongst other things, requires proposals to offer genuinely sustainable travel choices.

#### *Employment land*

9. Policy SWDP12, amongst other things, seeks to help rural regeneration through safeguarding employment uses in the district. The policy sets out that proposals to any non-employment-generating purpose will need to demonstrate that the site has been actively marketed for employment, tourism, leisure or recreation purposes for a period for at least 12 months and that it is no longer viable for such uses. The details of what is required from the marketing exercise is set out in Annex F.
10. I acknowledge that no marketing exercise has been undertaken. However, the proposed development would be business led providing business floorspace in a rural area retaining the potential to generate employment on the site. As such, I am of the view that such an exercise is not necessary.
11. The Council contend that there should be a justified need for the development. However, I have not been provided with any evidence to indicate that relevant policies require a need for such development to be demonstrated either in terms of location or in relation to a specific business. As such, I give this aspect of the Council's argument little weight.
12. Whilst the Council's standard condition relating to live/work units may allow broader occupancy this would not result in the loss of employment floorspace. Despite the Council's argument it is equally likely that occupants would move to other properties once their business interests have ceased at the site, allowing other people and businesses to move into the area.

13. I conclude the proposed development would retain and provide new employment floor space in accordance with Policies SWDP 2 and SWDP 12 which, amongst other things, support employment development in rural areas. It would also accord with Policy BT1 of the Harvington Neighbourhood Plan (2019) (NP) which, amongst other things, supports the retention and expansion of employment sites.
14. I note the Council have made reference to Policy SWDP 19, however, it is apparent it relates to materially different development proposals. I find that with specific regard to this appeal I give it negligible weight in coming to my decision.

#### *Character and appearance*

15. The appeal site comprises an open yard with miscellaneous structures and non-permanent items, including trailers and caravans, in varying states of disrepair. Whilst the site is enclosed by landscaping its largely undeveloped nature contributes to the surrounding rural landscape. Crest Hill is largely characterised by ribbon development of dwellings in generous plots that gives the area a spacious rural character.
16. Despite the appearance of the site and the use of sympathetic materials the number of units proposed, their sizes and their close spatial arrangement would be significantly at odds with the pattern of development locally. The urbanisation of the site, associated infrastructure and paraphernalia would significantly erode its rural character.
17. I acknowledge that the site is not highly visible and well contained due to the existing boundary landscaping. However, there is no substantive evidence to indicate they would remain for the lifetime of the development such that they would continue to screen it. A condition requiring retention of the trees to screen the site would be difficult to enforce. Whilst a condition relating to additional landscaping could be imposed, there is no evidence regarding landscaping before me, thus there is no certainty that it would mitigate the harm identified.
18. The appellant has made reference to a nearby agricultural holding. However, I have not been made aware of the circumstances behind its development. Its presence does not justify the harm that I have identified.
19. I conclude that the proposed development would undermine the character and appearance of the area contrary to Policy SWDP 21 and NP Policy BT1 which, amongst other things, seek high quality design that integrates effectively with its surroundings and reinforces local distinctiveness and do not support proposals for small scale business development that are not in keeping with the size, scale and form and rural character of its surroundings.
20. The Council have referred to NP Policy BT3 in the third reason for refusal, however, I have given it negligible weight in coming to my decision.

#### **Other Matters**

21. The construction of four live/work units would generate employment during the construction phase contributing to the local economy. I also note that the proposed development would be energy efficient, incorporate green technologies and ecological enhancements and would attract Council Tax and

Business Rates payments. However, in my view these factors individually or cumulatively do not lead me to reach a different conclusion that the appeal should be dismissed.

**Conclusion**

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

*B Thandi*

INSPECTOR