



Appeal Decision

Site visit made on 24 May 2022

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 July 2022

Appeal Ref: APP/H1840/W/21/3281804

Land off Mill Lane, Radford

- 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 Radford & Piddle (R&P) Ltd against the decision of Wychavon District Council.
 - The application Ref 21/00353/FUL, dated 11 February 2021, was refused by notice dated 1 July 2021.
 - The development proposed is a live/work unit.
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Decision

1. The appeal is allowed and planning permission is granted for a live/work unit at land off Mill Lane, Radford in accordance with the application Ref 21/00353/FUL, dated 11 February 2021, subject to the conditions in the Schedule to this decision.

Main Issue

2. The main issue is the effect of the proposed development upon highway safety.

Reasons

3. The appeal site comprises a parcel of land on the junction of Alcester Road and Mill Lane located at the end of a row of properties. Mill Lane is a no through road and already serves a number of dwellings and commercial uses. Mill Lane is fairly straight and narrow in places wide enough for a single vehicle, but along its entire length it varies in width.
4. At the time of my visit, I observed low levels of traffic along Alcester Road and it appeared that traffic in both directions passed the site at relatively low speeds. Whilst this is a snapshot in time, based on my observations, there is little to indicate that the traffic flows and speeds I witnessed are untypical.
5. Mill Lane is fairly straight and reasonable visibility along the access in both directions would be possible. Pedestrians and cars would be able to see each other and traffic approaching the road junction or turning in from Alcester Road are likely to be travelling at low speeds. In addition, visitors that do not have knowledge of the road layout or area are likely to drive more carefully and consciously. As such, it is unlikely that road users would be unduly inconvenienced or endangered by the width of the road.
6. 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, or clients visiting

the site, the proposed development would be small scale and unlikely to generate significant levels of traffic. Whilst there would be increased activity at the junction it is not an inevitable conclusion that the proposal would result in highway harm.

7. Based on my observations and the evidence before me including that there is no record of any accidents near to the site, in my view, indicates that the road junction is not unsafe and any additional vehicles using the junction would not result in an additional risk to highway safety.
8. Local residents dispute the level of accidents and submit that an 'accident is waiting to happen'. However, there is no information in respect of the nature of the accidents or near misses or the time frame over which they occurred. Consequently, I give limited weight to this.
9. Reference by local residents has been made to Google Maps data. However, I am not satisfied that this data is a true representation of the speed of vehicles along Alcester Road. As such, I give it negligible weight in coming to my decision.
10. I note the comment made by local residents with regard to the distance between the road junction and proposed access. Based on observations at my site visit, and taking into account the advice of the Council, there is nothing to suggest that the measurements provided by the appellant in this respect are inaccurate.
11. Notwithstanding the comments made in respect of stopping distances there is no credible evidence to indicate that the proposed development would lead to a significant problem and compromise highway safety.
12. Based on the information before me and in the absence of any convincing evidence to the contrary I conclude that the proposed development would not result in harm to highway safety. Therefore, there would be no conflict with Policy SWDP 4 of the South Worcestershire Development Plan (2016) which, amongst other things, seeks satisfactory access and developments to be capable of being safely accessed from the local road network without undue local environmental impacts which cannot be mitigated.
13. It would also accord with Paragraph 111 of the National Planning Policy Framework (the Framework) which advises that development proposals should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative effects on the road network would be severe.

Other Matters

14. Whilst there is a public house close to the appeal site Radford has no real services and facilities to speak of. The site is located some distance from the nearest settlements with services and facilities with a very limited bus service. 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 future occupants would be more reliant on private vehicles.
15. It is acknowledged in the Framework in paragraph 85 that in order to support the rural economy sites to meet local business needs may have to be located beyond existing settlements. 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.

16. Future occupants would need to travel further afield for services and facilities. However, this would be the situation for existing residents of Radford, and it is acknowledged in the Framework in paragraph 105 that transport solutions will vary between urban and rural areas. As such, I find that the location of the development and accessibility to nearby services and facilities would not be unacceptable.
17. I have considered the representations received in relation to flooding. There is no substantive evidence to suggest that the development would increase flood risk, particularly as the Council's Drainage Engineer raised no objection. I see no reason to disagree with their advice. A planning condition would manage surface water drainage. I therefore find that there is nothing compelling which would lead me to a different conclusion in respect of this matter.
18. Despite the comments received I note that the Council consider the proposal would not unduly affect the setting of nearby statutory listed buildings and I have no reason to disagree. Whilst there would be some visual change, given the proposed development would be contained within its plot and the separation between the site and designated heritage assets with intervening planting and road I am satisfied that the proposal would not undermine their setting. In my view the proposal would have a neutral impact on the significance of nearby designated heritage assets.
19. Local residents contend that there is no 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 argument little weight. Although it would be limited there would be some positive contribution to the vitality of Radford as a rural community from future occupiers and visitors to the area.
20. Mill Lane displays variety in terms of property design, plot size and shape and separation. The proposed development would introduce a further design style into the area. This would not be harmful to the character and appearance of the area given the local design variety and would continue the linear pattern of development along Mill Lane appearing as an appropriate extension of the built form.
21. It would retain a considerable margin of garden land around it retaining a sense of spaciousness. Due to its position on the corner and the removal of a number of trees the proposed development would be visible, however, this in itself does not make it unacceptable. Moreover, the Council advise the appearance and siting of it is not a matter in dispute, and I have no reason to disagree with the Council's conclusion in respect of this matter.
22. I acknowledge the comments received in relation to broadband speeds. However, there is no substantive evidence to indicate that the low speeds referred to are prevailing speeds or that the area lacks the appropriate broadband infrastructure. Furthermore, I note that the Council have not raised this as a matter of dispute. I therefore give this argument limited weight.

23. The availability of commercial properties in the area is not a matter for me in consideration of this appeal.
24. I note that there would be windows facing the boundary with Radstone House, however they would serve an office. Whilst reference has been made to guidance contained in the South Worcestershire Design Guide, I find that with particular regard to this appeal it is not relevant. Given the presence of the existing boundary planting I am satisfied that the proposed development would not unacceptably affect the living conditions of the occupants of this property with regard to overlooking.
25. I note the representations made by local residents in respect of living conditions with regard to noise. The development would not severely diminish the living conditions of existing occupiers, in this regard, when considering the relatively low levels of noise generated by normal residential and small-scale office activities.
26. Having regard to the information before me I am satisfied that the proposed development would not result in harm to protected species, trees or hedges. In any event conditions have been imposed to retain the hedge along the southern boundary and to protect retained trees during the construction works and details of the hard surfacing. Conditions for bat and bird boxes have also been imposed to safeguard the natural environment.
27. The Parish Council have referred to an appeal which they consider relevant. However, it is apparent that it relates to a materially different scheme and has been considered against different development plan policies. Its findings do not lead me to a different conclusion. In any event, every appeal must be considered on its own merits, as I have done.
28. I note the suggestion for a legal agreement to secure a number of requirements including limiting the number of people working at the premises and for independent broadband. However, I am not satisfied that a planning obligation would be reasonable or necessary given the modest scale of the development.

Conditions

29. The Council suggested a total of 22 conditions in the event this appeal were to be allowed. I have considered these in relation to the contents of both the Framework and Planning Practice Guidance. In the interests of precision, clarity and brevity I have undertaken some rationalisation of the conditions suggested by the Council.
30. In addition to the standard three-year time limit condition for implementation; it is necessary to specify the approved plans and define occupation of the development in the interests of certainty.
31. Conditions to retain the hedge along the southern boundary and for details of the external materials and hard surfacing have been imposed to ensure satisfactory appearance of the development.
32. In the interests of highway safety conditions for cycle storage, to close off the access from Alcester Road, details of the parking and turning areas have been imposed.

33. Conditions relating to external lighting and bat and bird boxes have been imposed in order to safeguard protected species.
34. A condition for tree protection measures has been imposed to safeguard trees on the site.
35. In the interests of highway safety and the living conditions of nearby occupiers a condition has been imposed limiting construction work, deliveries and collections to certain times and days.
36. Conditions requiring at least 10% of the energy supply of the development to be from renewable or low carbon energy sources and for the development to be carried out in accordance with the submitted Water Management Statement and for electric vehicle charging points have been imposed in the interests of achieving sustainable development.
37. In the interests of human health a condition for gas protection measures within the foundations has been imposed.
38. The Council has suggested conditions for details of the floor slab levels and boundary fencing. However, sufficient details are shown on the plans and so I do not consider that the conditions are necessary.
39. A condition for the rooflights to be obscure glazed has been suggested. However, the position of the rooflights high in the roof space would likely prevent views into the neighbouring property and garden and would not result in an adverse impact on the neighbouring occupiers in terms of overlooking. As such, I do not consider that the condition is necessary.
40. The Council has suggested a condition for a soft landscaping scheme. However, sufficient information is shown on the submitted plans and thus has not been imposed. I have still found it necessary to ensure that dead or diseased plants are replaced for 3 years following completion of the development and therefore a condition requiring this has been imposed.

Conclusion

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

B Thandi

INSPECTOR

Schedule of 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 2009-07 PL-1; Existing Site Plan Drawing Number 2009-07 PL2; Proposed Site Plan Drawing Number 2009-07 PL3 Rev B; Proposed Floor Plans Drawing Number 2009-07 PL4; Proposed Elevations Drawing Number 2009-07 PL5; Proposed Cycle Shed Drawing Number 2009-07 PL6 and Visibility Splays Drawing Number 2009-07 PL7.
- 3) No development shall commence until details of the materials to be used in the construction of the external surfaces of the proposed development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) The development shall not be occupied until details of the hard landscape works have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 5) The development shall not be occupied until details of renewable and/or low carbon energy generation measures have been submitted to and approved in writing by the local planning authority. The measures shall contribute to at least 10% of the predicted energy requirements of the development.
- 6) The development shall not be occupied until, details of bat roosting features and bird nesting boxes (including a timetable for implementation) have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 7) The development shall not be occupied until the access, turning and parking areas and space for bicycles to be parked has been laid out in accordance with Proposed Site Plan Drawing Number 2009-07 PL-3 Rev B. These areas shall be kept available at all times.
- 8) The development shall not be occupied until the proposed development has been fitted with an electric vehicle charging point. The electric vehicle charging point shall be retained for the lifetime of the development.
- 9) The development shall not be occupied until the old access from Alcester Road has been closed off from vehicular and pedestrian traffic
- 10) The development shall not be occupied until details of any external lighting have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 11) Existing landscaping along the southern boundary of the site shall be retained as shown on Proposed Site Plan Drawing Number 2009-07 PL-3 Rev

- 12) All planting, seeding or turfing comprised in the approved landscape details shown on Drawing Number 2009-07 PL-3 Rev B shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 3 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 13) All trees and hedges shown to be retained shall be protected by fencing in accordance with British Standard BS 5837:2012 Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) for the duration of the construction work. No fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.
- 14) Prior to the first occupation of the development, the details set out in the submitted Water Management Statement shall be fully implemented and shall be retained thereafter for the lifetime of the development.
- 15) Gas protection measures complying with Characteristic Situation 2 as set out in BS8485:2015 and CIRIA C665 as a minimum requirement must be incorporated within the foundations of the proposed structure. Following installation of these measures, and prior to the first occupation of the development, a verification report shall be submitted to and approved in writing by the Local Planning Authority. Verification of the installation of gas protection measures must be carried out in accordance with current UK guidance and best practice.
- 16) Demolition or construction works shall take place only between 0800-1800 on Monday to Friday and 0800-1300 on a Saturday and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 17) Deliveries shall be taken at or despatched from the site only between 0800-1800 on Monday to Friday and 0800-1300 on a Saturday and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 18) (1) The business floorspace of the live/work unit shall be finished ready for occupation before the residential floorspace is occupied and commencement of the residential use shall not precede commencement of the business use. (2) The business floorspace of the live/work unit shall not be used for the sale of goods to visiting members of the public and shall not be used for any purpose other than purposes within Use Classes E.(c)(ii) and E.(g) as defined under the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). (3) The residential floorspace of the live/work unit shall not be occupied other than by a person solely or mainly employed, or last employed, in the business

occupying the business floorspace of that unit, a widow or widower or surviving civil partner of such a person, and to any resident dependants.