



Appeal Decision

Site visit made on 8 November 2022

by Laura Cuthbert BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 December 2022

Appeal Ref: APP/H1840/W/22/3301590

Castle Fields Farm, Harvington Lane, Norton WR11 4TN

- 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 Latham against the decision of Wychavon District Council.
 - The application Ref W/22/00126/FUL, dated 18 January 2022, was refused by notice dated 15 March 2022.
 - The development proposed is Erection of 2No. live/work dwellings and associated works (resubmission of application 21/02358/FUL).
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Decision

1. The appeal is allowed and planning permission is granted for Erection of 2No. live/work dwellings and associated works (resubmission of application 21/02358/FUL) at Castle Fields Farm, Harvington Lane, Norton WR11 4TN in accordance with the terms of the application, Ref W/22/00126/FUL, dated 18 January 2022, subject to the conditions set out in the attached schedule.

Application for costs

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

Main Issues

3. The main issues are:
 - whether the proposed development would be an appropriate location for new live/work development with regards to the development strategy for the area and access to services and facilities; and
 - the effect of the proposal on the character and appearance of the countryside.

Reasons

Location

4. Castle Fields Farm is located beyond the settlement boundary of Harvington, which is located to the north-east of the appeal site. The appeal site is therefore sited in open countryside.
5. Policy SWDP 2 of the South Worcestershire Development Plan (SWDP) (adopted 2016) outlines the development strategy for new development in the area. Part C of Policy SWDP 2 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. Policy SWDP 8 is listed as one of the other policies which supports development beyond settlement boundaries and the Council accept that the proposal would accord with Criterion G of Policy SWDP 8, which supports live/work accommodation subject to certain criteria. It is also clear from the wording of Policy SWDP 8 and its 'reasoned justification' that there is an expectation for live/work units to be dispersed throughout the rural areas.

6. Nevertheless, Policy SWDP 4 also requires that, amongst other things, proposals must demonstrate that the layout of development will minimise the demand for travel and that they offer genuinely sustainable travel choices.
7. Harvington benefits from a number of services and facilities to meet residents' day to day needs, including the village shop along Leys Road. These would be accessible via an existing footpath. Some of the pavements along Harvington Lane are narrow in places but the width and quality of the pavement improves once you turn off Harvington Lane into the village. As noted on my site visit, whilst some of these services and facilities are situated at the north-western end of Harvington, the distance to them would not be overly prohibitive.
8. Whilst there would still be trips generated by future occupants travelling to schools, shops and leisure facilities, a live/work unit would generate fewer vehicular movements than a dwelling where the occupiers have to drive to a separate workplace each day. Furthermore, a bus service runs along Harvington Lane, which provides a regular service to Evesham and Stratford-upon-Avon. The bus stop is easily accessible from the appeal site via an existing pavement.
9. My findings above do not necessarily mean that occupiers would choose not to have a car. However, the site's location does not make car use essential to enable occupiers to reasonably carry out day-to-day activities. Therefore, on balance, it is considered that due to the opportunities available, this would reduce the reliance on the private car.
10. Furthermore, opportunities to offer sustainable travel choices are going to vary between urban and rural areas. However, by the very nature that Policy SWDP 8 is one of the specific policy exceptions to the overall development strategy is recognition that live/work units are one of the ways to provide employment opportunities and small businesses in a rural area. Therefore, there is a balance to be struck between what is considered as acceptable sustainable rural development, such as live-work units, whilst maximising the available sustainable travel opportunities.
11. The lack of an end-user for the live/work units does not weigh against the proposal as this is not a requirement within the SWDP. In consideration of the High Court judgement¹ regarding paragraph 80 (formally paragraph 79) of the National Planning Policy Framework 2021 (the Framework), as the proposed development would be adjacent to other buildings in the vicinity, the physical location of the proposals would not result in new isolated homes in the countryside that the Framework seeks to avoid.
12. Consequently, I conclude that the appeal site would be an appropriate location for new live/work development with regards to the development strategy for

¹ Braintree District Council v Secretary of State for Communities and Local Government & Ors [2017] EWHC 2743 (Admin)

the area and access to services and facilities. The proposal would be in accordance with Policies SWDP 2 and SWDP 4 of the SWDP which, in combination, seek to control development in the open countryside to development specifically permitted by other SWDP policies, which includes live/work accommodation in accordance with Criterion G of Policy SWDP 8, and requires proposals to offer genuinely sustainable travel choices. It would also represent sustainable development in accordance with paragraph 8 of the Framework.

Character and Appearance

13. The appeal site consists of a parcel of land associated with Castle Fields Farm situated along Harvington Lane and currently consists of an area of hardstanding. To the north of the appeal site lies 2 former agricultural buildings which are now in commercial use as storage/light industrial. There is also a third agricultural building which remains in agricultural use. The dwelling known as Castle Fields Farm is situated on the northern point of the site. An orchard encloses Castle Fields Farm to the north and a 2m high grassed bund, which would be retained, runs along the boundary with Harvington Lane.
14. The area is not completely devoid of built development. As well as the buildings on the wider Castle Fields Farm site itself, there are also other clusters of properties in the wider area. This includes the development of 16 dwellings and 6 B1 business units which is currently under construction further to the west along Harvington Lane². Whilst this development is not adjoining the appeal site, it is visible from Castle Fields Farm. The constant background noise from the busy A46, which runs parallel to Harvington Lane, is also apparent. Consequently, the appeal site does not read as a quiet, isolated rural location.
15. Whilst the proposal would be closer to the road than the existing buildings on the Castle Fields Farm site, they would not appear as incongruous in the wider area. The materials incorporated would reflect those elsewhere, notably on the new dwellings and business units further along Harvington Lane, which also incorporate red brick and black cladding. The use of cladding on the proposal would also tie in the buildings with the adjacent agricultural/commercial buildings which they would be seen alongside. Rather than being 'unusual', as the Council allege, the back-to-back layout would actually result in the bulk of the development being positioned away from the roadside, with the side gable elevation of the 'live' element of the proposal facing Harvington Lane. This would assist in mitigating the visual impact of the proposal. An appropriately worded condition would ensure a suitable landscaping scheme would be secured on the site which would assist with integrating the development further into its countryside setting.
16. Consequently, the proposal would not harm the character and appearance of the area. The proposal would be in accordance with Policy SWDP 21 of the SWDP, which requires development to be of a high design quality, integrating effectively with its surroundings, in terms of form and function, and reinforcing local distinctiveness.

² Granted under appeal reference APP/H1840/A/14/2213555

Conditions

17. The Council have suggested 14 conditions. I have assessed these in light of the advice provided in the Planning Practice Guidance (PPG) and have amended them as necessary.
18. A condition setting a time limit for commencement of the development is required by statute. It is appropriate that there is a condition requiring the development to be carried out in accordance with the approved plans for certainty. A condition regarding further details or samples of the materials to be used externally on the walls and roofs is necessary to safeguard the character and appearance of the area.
19. A drainage condition is necessary to ensure that the development is provided with a satisfactory means of drainage. Conditions to ensure that the live/work units are not occupied until an electric vehicle charging point is installed for each unit and that secure cycle parking is provided are both considered necessary in order to encourage the use of more sustainable modes of transport. I have amended the wording of the cycle parking condition slightly for clarity purposes.
20. A condition for the access, parking and turning spaces for the proposed live/work units, as well as a condition for the proposed access gates to be set back 5 metres, are both considered necessary in order to ensure that there are adequate parking facilities to serve the development and in the interests of highway safety. I have amended the conditions slightly for clarity purposes.
21. As already alluded to, a landscape condition is necessary in the interests of the character and appearance of the area. A condition relating to renewable/low energy generating facilities is appropriate to minimise carbon emissions and secure sustainable energy solutions.
22. A pre-commencement condition requiring a detailed ecological mitigation and enhancement scheme to be submitted and approved in writing by the local planning authority is considered reasonable and necessary to ensure that the development contributes to the conservation and enhancement of biodiversity within the site. I have amended it slightly for clarity purposes.
23. A condition to ensure that details of any external lighting is submitted for the Council's approval is considered reasonable and necessary to ensure that there would be no adverse impact on protected species and the rural character of the area.
24. Precise details of the existing site and the precise floor slab levels of the live/work units are considered necessary in order to minimise the visual impact of the development. I have amended it slightly for clarity purposes.
25. A condition to ensure that the live/work units are carried out in accordance with the relevant criteria in Policy SWDP 8, including an occupational condition to ensure that the residential element of the live/work units are occupied by a person in connection with the associated business, are all considered necessary as the proposal is considered as an exception to the development strategy set out by Policy SWDP 2. However, I have amended the condition in regard to the acceptable Use Classes for the business floorspace to refer to the agreed acceptable uses under Class E.

Conclusion

26. For the reasons set out above, the appeal should therefore be allowed.

Laura Cuthbert

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: Inside Out drawing numbers p2021_004/01; p2021_004/02 A; p2021_004/03 A; p2021_004/04 A; p2021_004/05 A; p2021_004/06 A.
- 3) No development shall commence until details/samples of the form, colour and finish of the materials to be used externally on the walls and roofs of the live/work units 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/samples.
- 4) Prior to the occupation of any part of the development hereby permitted, the drainage details set out on the submitted Drawing Titled 'Water Management Statement' shall be fully implemented and remain thereafter.
- 5) The development hereby permitted shall not be first occupied until the proposed live/work units have been fitted with an electric vehicle charging point. The charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and the Worcestershire County Council Streetscape Design Guide. The electric vehicle charging points shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging point(s) shall be of the same specification or a higher specification in terms of charging performance.
- 6) Prior to the occupation of any part of the development hereby permitted, details of sheltered and secure cycle parking to comply with the Council's adopted highway design guide shall be submitted to and approved in writing by the local planning authority. The approved cycle parking shall be provided prior to any part of the development hereby permitted being first occupied and thereafter the approved cycle parking shall be kept available for the parking of cycles only.
- 7) The development hereby approved shall not be brought into use until the access, parking and turning facilities have been provided as shown on drawing p2021_004/02 A. The access, parking and turning shall be retained thereafter.

- 8) The development hereby approved shall not be occupied until the proposed access gates have been set back 5 metres from the adjoining carriageway edge and made to open inwards only. The access gates shall be retained thereafter.
- 9) Before the first use/occupation of the development hereby permitted, a scheme of landscaping shall be submitted to and approved in writing by the local planning authority. The landscaping scheme shall include: -
- i. a plan(s) showing details of all existing trees and hedges on the application site. The plan should include, for each tree/hedge, the accurate position, canopy spread and species, together with an indication of any proposals for felling/pruning and any proposed changes in ground level, or other works to be carried out, within the canopy spread.
 - ii. a plan(s) showing the layout of proposed tree, hedge and shrub planting and grass areas.
 - iii. a schedule of proposed planting -indicating species, sizes at time of planting and numbers/densities of plants.
 - iv. a written specification outlining cultivation and other operations associated with plant and grass establishment.
 - v. a schedule of maintenance, including watering and the control of competitive weed growth, for a minimum period of five years from first planting.

All planting and seeding/turfing shall be carried out in accordance with the approved details in the first planting and seeding/turfing seasons following the completion or first occupation/use of the development, whichever is the sooner. The planting shall be maintained in accordance with the approved schedule of maintenance.

Any trees or plants which, within a period of five years from the completion of the planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 10) Prior to the occupation of the live/work units hereby permitted, details of renewable or low carbon energy generating facilities to be incorporated as part of the development shall be submitted to and approved in writing by the local planning authority. The details shall demonstrate that at least 10% of the predicted energy requirements of the development will be met through the use of renewable/low carbon energy generating facilities. The approved facilities shall be provided prior to each live/work unit hereby permitted being first occupied or in accordance with a timetable submitted to and approved by the local planning authority as part of the details required by this condition. The approved facilities shall be implemented and thereafter retained in operation.
- 11) No development shall take place until a detailed ecological mitigation and enhancement scheme, which shall be based on the conclusions and recommendations set out in section 4 of the Preliminary Ecological Assessment by Reports4Planning has been submitted to and approved in writing by the local planning authority. The mitigation and enhancement scheme hereby approved shall then be carried out in strict accordance with

- the approved scheme. On completion of the scheme, the development shall be inspected by a qualified ecologist and a statement of conformity shall be submitted and approved in writing by the local planning authority to confirm whether all of the measures have been implemented in accordance with the details approved under this condition. The approved mitigation and enhancement scheme shall then be retained on site thereafter.
- 12) Before the development hereby permitted is first occupied, details of any external lighting to be provided in association with the development shall be submitted to and approved in writing by the local planning authority. The details shall include times when the external lighting will not be switched on. Only external lighting in accordance with approved details shall be provided on the application site. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), there shall be no other external lighting provided on the application site.
- 13) Before the development hereby approved is commenced, details of the levels of the existing site and the precise floor slab levels of the live/work units hereby permitted, relative to the existing development on the boundary of the site, shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be undertaken in accordance with the approved details.
- 14) i. The work element floorspace of the live/work units hereby permitted shall be finished ready for occupation before the residential floorspace is occupied and the residential use shall not precede commencement of the business use.
- ii. The business floorspace of the live/work elements of the development hereby approved shall be used for Use Class E(g)(i) offices, E(g)(ii) research and development or E(g)(iii) industrial processes and for no other purpose, including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.
- iii. The residential floorspace of the live/work units hereby permitted shall not be occupied other than by a person solely or mainly employed, or last employed in the business occupying the business floorspace of the associated unit, a widow or widower of such a person, or any resident dependants.
- iv. The residential use of the live /work units hereby permitted shall be ancillary with the floor space split at least 60% employment and no more than 40% residential.
- v. The residential accommodation within each live/work unit hereby permitted shall contain no more than three bedrooms
- vi. The residential and work spaces shall be entirely separate. with separate entrances and toilet facilities.

vii. The live/work units hereby permitted shall have access to superfast broadband or equivalent infrastructure.