



Appeal Decision

Site visit made on 23 October 2024

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 November 2024

Appeal Ref: APP/H1840/W/24/3345283

Land off Hatfield Lane, Norton, Worcester WR5 2PZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Karl Lockley of Lockley Homes against the decision of Wychavon District Council.
 - The application Ref is W/24/00507/FUL.
 - The development proposed is described as 'proposed live/work unit. Amendment to application Ref. W/23/02506/FUL'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant submitted an appeal decision subsequent to the deadline for their final comments (Ref APP/H1840/W/24/3340516) (the recent appeal decision). Given the relevance of that live/work proposal the Council was given the opportunity to comment such that any comments on that decision could be taken into account in this appeal.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the surrounding area;
 - whether the appeal site is an acceptable location for the proposal having regard to the development strategy and local and national policy on accessibility by sustainable transport modes; and
 - whether the proposal would be acceptable with regard to the effect on the living conditions of neighbouring occupants, with particular regard to privacy, and noise and disturbance.

Reasons

Character and appearance

4. The appeal site is accessed from a section of Hatfield Lane (the Lane) that comprises a bridleway track. Accordingly the Lane is relatively narrow and is not a through route for vehicles other than to provide access to existing properties and land. It thus has a particularly rural character. This is emphasised by the rural appearance of the appeal site which is an agricultural

field without built form and is highly visible from the Lane. The site also affords views from the Lane to the wider countryside beyond. Given the narrowness of the Lane, the appeal site provides a welcome sense of spaciousness that reinforces the site's rural character, around the edge of Hatfield.

5. The proposed built form would be reminiscent of an agricultural building, with a simple form and pitched roof. However, the building would not be insubstantial, extending to circa 7 metres in height. It would also appear wide, extending across a considerable proportion of the width of the site. There would consequently be a considerable reduction in the openness of the site and a harmful loss of visibility through the site from the Lane to the landscape beyond. Moreover, the presence of a number of glazed doors, other windows and rooflights, would give rise to a suburban rather than rural appearance. This would be clearly visible from the Lane and would be emphasised by the proposed areas for parking in front of both the live and work areas of the building.
6. Native planting could be secured by condition and would help soften the appearance of the proposed building from the Lane and the footpath to the south. Nonetheless, to be effective, the planting would further diminish the pleasant sense of openness and visual connectivity with the surrounding landscape that this site currently provides. No substantive evidence indicates otherwise.
7. The proposal has been reduced in scale relative to the previous live/work proposal on this site (Council Ref W/23/02506/FUL). It would also occupy less of the width of the appeal site than the three dwelling scheme previously dismissed at appeal on this site (Appeal Ref APP/H1840/W/23/3316580). Nonetheless, for the reasons given, the proposal as submitted would appear as a marked visual intrusion into the rural landscape.
8. Therefore, the proposal would harm the character and appearance of the surrounding area. As such, it would be contrary to Policy NJK1 of the Norton-juxta-Kempsey Neighbourhood Plan (made December 2021) and Policy SWDP21 of the South Worcestershire Development Plan (adopted February 2016) (Local Plan). These generally require that proposals are designed to respect the characteristics of their locality and reinforce local distinctiveness.

Location of development

9. Policy SWDP4 of the Local Plan seeks to manage demand for travel. Amongst other matters, it requires that proposals offer genuinely sustainable travel choices. The Council submits that Hatfield has no key services and lacks access to public transport. Thus, residents of the proposal would be required to travel by car to access day to day services.
10. In addition, the proposed development would provide a workshop, meeting room, reception area and kitchen at ground floor level. Also, at first floor level there would be two further rooms, comprising an office and storage space. The floorplans show space for eight seated in the meeting room, and six within the kitchen. Albeit I am not persuaded that these rooms would be likely to be regularly occupied at full capacity. Nevertheless, whilst it is stated that there would be no additional employees at the site, the scale of the proposal is such

that it could reasonably accommodate a limited number of workers not living at the appeal site. Those would likely have to commute from elsewhere.

11. Also, the appellant submits that a maximum of four customer visits would be made to the site per day. Accordingly, the proposal would likely result in an increase in travel by private car. As such, it would conflict with Policy SWDP4 in respect of its ability to offer genuinely sustainable travel choices for those living, working and visiting the appeal site.
12. Nonetheless, the strict control on development in open countryside as set out in Policy SWDP2 Part C includes certain types of development that would be permitted in such locations. This includes proposals that accord with other policies of the Local Plan, with reference in the footnote to Policy SWDP8 on live/work units. It is not a matter in dispute between the main parties that the proposal accords with Policy SWDP8 of the Local Plan, which permits proposals for live/work units subject to certain criteria. I concur. Therefore, the principle of the proposal in this open countryside location accords with Policy SWDP2 part C. Consequently, Policy SWDP2 offers support for the proposal despite its location where access to services is inherently more limited than in urban areas.
13. Policy SWDP8 does not specify a maximum floorspace for live/work units, only the ratio of living to working accommodation, which is satisfied here. Furthermore, the proposal is for a single live/work unit and the number of people using that space would be constrained by the amount of floorspace. As such, setting aside its impact on character and appearance, the extent of the business floorspace would not be so large as to generate an excessive increase in private vehicle trips.
14. Furthermore, the National Planning Policy Framework (Framework) acknowledges that the potential to maximise sustainable transport will vary between urban and rural areas, and that this should be taken into account in decision-making. Also, that in rural locations, sites for local business needs may be adjacent or beyond settlement boundaries and in locations not well served by public transport. As such, the Framework offers in principle support for the proposal.
15. The Council highlights that the proposal would exceed the proposed limit on the amount of residential accommodation in the emerging Local Plan policy on live/work units. However, as the policy remains in draft and extent of unresolved issues in respect of that policy is unknown, it attracts limited weight. The Council also applied limited weight to that emerging policy.
16. Therefore, I conclude that the appeal site is an acceptable location for the proposal, having regard to the development strategy and local and national policy on accessibility by sustainable transport modes. I have found some conflict with Policy SWDP4 of the Local Plan in respect of the ability to offer genuinely sustainable travel choices here. Nevertheless, the site's location is acceptable for the proposed single live/work unit, having regard to Local Plan Policy SWDP2 and the approach in the Framework.

Living conditions

17. The proposed building would be set well back from the side boundary with The Shrubbery. In addition, the proposed ground floor windows facing on to that

boundary would be relatively modest in scale. Furthermore, whilst three roof lights are proposed in the elevation facing that boundary, these are said to be in excess of 1.7m above the proposed first floor level. This could reasonably be secured by condition. As such, they would not give rise to overlooking of The Shrubby. Together with intervening vegetation which could be enhanced along that side boundary through a landscaping condition, opportunities for actual and perceived overlooking of the occupants of the house and garden at The Shrubby would be highly limited.

18. The proposed workshop at ground floor level and office above, could generate some noise. However that element of the proposal would be some distance from neighbouring houses. Moreover, it would be sheltered from The Shrubby by the proposed living accommodation. Therefore, I am satisfied that the proposal would not give rise to unacceptable noise disturbance to neighbouring occupants. Accordingly, with respect to this main issue, the proposal would accord with Policy SWDP21 of the Local Plan. Amongst other matters this includes a requirement for proposals to achieve suitable levels of privacy for neighbours.

Other Matters

19. The appellant submitted a number of other appeal decisions where live/work units had been allowed on sites in open countryside locations. As reasoned above, the principle of the proposed live/work unit would also be acceptable on this site. However, given the harm to character and appearance of the surroundings from this appeal scheme, those other decisions do not justify a different decision here. In respect of the recent appeal decision I note that the Inspector found the appeal site was not particularly visible from the surrounding area and the Inspector was not aware of any views from public rights of way. Whereas I have found that this proposal would be noticeable from its surroundings, including the Lane and the footpath to the south. As such, the circumstances of that recent appeal differ to the extent that it a different approach is justified here.

Conclusion

20. The proposal would support economic growth in a rural area. It would provide residential accommodation alongside the proposed business space, helping to meet housing needs and limit travel to work for its occupants. An absence of harm in respect of matters such as highway safety is a neutral consideration. The proposal could be designed to be energy efficient and incorporate renewable energy generation.
21. However, any support for the proposal should not be at the expense of ensuring that development is designed to be sensitive to its surroundings. The proposal would harm the character of the area, which would endure for the lifetime of the development. Therefore, it conflicts with the development plan as a whole.
22. Accordingly, for the reasons given, the appeal should not succeed.

Rachel Hall

INSPECTOR