



Appeal Decision

Site visit made on 2 October 2024

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 January 2025

Appeal Ref: APP/J1860/W/23/3335685

Land at (OS 7494 5876), Berrow Green Road, Martley WR6 6PQ

- 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 K Jennings and Miss R Wintle against the decision of Malvern Hills District Council.
 - The application Ref is M/23/00881/FUL.
 - The development proposed is development of a live/work unit.
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Decision

1. The appeal is allowed and planning permission is granted for development of a live/work unit at land at (OS 7494 5876), Berrow Green Road Martley in accordance with the terms of the application Ref M/23/00881/FUL and subject to the schedule of conditions attached to this Decision.

Preliminary Matter

2. The Government published a revised National Planning Policy Framework ('the Framework') on 12 December 2024. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.

Main Issues

3. The main issues are: i) The effect of the proposal on the character and appearance of the area, and ii) Highway safety.

Character and appearance

4. The appeal site incorporates part of a field currently in use as pasture which is also occupied by a modest polytunnel. This field is within the same ownership as Tabwell Cottage and is located about 245m to the east of this cottage, adjacent to the B4197. The appeal site includes the access route from the B4197 to the field.
5. The proposed live/work unit would occupy land to the eastern extent of the field and is to be linked by a section of new driveway to the existing access drive which also forms part of a Public Right of Way - Martley parish footpath MT-682 ('PRoW'), and part of the Worcestershire Way, a long-distance trail. This runs from north to south and would cross the new driveway.
6. Whilst the proposed live/work unit would comprise two separate units, these would be combined to appear as a single building with a length of about 18m, a depth of about 6m and a height just exceeding 3m. This building would occupy a

rectangular footprint with a shallow pitched roof form. Its elevations would be finished in timber cladding with limited fenestration and the roof is also to be clad to give the appearance of a tiled finish.

7. Based on my observations, there is no specific vernacular for the area, which includes the traditional design of Tabwell Cottage, relatively modern bungalows to the north of the field and commercial units located along the B4197.
8. The area to be developed for the proposed live/work unit is contained from nearby bungalows and the B4197 by near continuous hedgerows. As such, despite retaining a scale broadly consistent with the bungalows along the B4197, the proposed live/work unit would largely be viewed as a standalone building in a field. In this context, because of its simple and low-lying form and largely timber finish, this would be similar in scale and appearance to a stable block converted for residential use, which would be consistent with its semi-rural context.
9. The new access drive is necessary for the development, a small section of this would be finished in tarmac and the remainder in hardcore. Because this would be a continuation of the existing access and similar in form, its arrangement and appearance would not be unacceptably intrusive.
10. Views from the PRoW would be available towards the proposed development. However, because of its separation from the PRoW, single storey design and siting on lower ground relative to the PRoW, this would not be unduly prominent. Furthermore, the proposed landscaping, which includes planting alongside the new driveway and along the boundary with the B4197, would assist the development to settle within the site and area. From along the B4197, motorists would only see the proposed development in fleeting views and this would be in the context of other development along this road.
11. The proposal is only supported in a countryside location because it is for a live/work unit in accordance with Policy SWDP 8 of the South Worcestershire Development Plan ('Development Plan'). To this end, given the site's countryside location and the nature of the proposal, some change and urbanisation is to be expected. Even so, for the above reasons this would be acceptable having regard to the site-specific circumstances and the proposed scheme.
12. Nonetheless, I share the Council's concerns about the type of proposed landscaping. There are also limited details in respect of all the external finishes. These could be dealt with by conditions if the appeal succeeds. Therefore, and subject to conditions, the proposal would not harm the character and appearance of the area.
13. As such, the proposal accords with Policies SWDP 21 and SWDP 25 of the Development Plan. Together, these policies require that all new development is of high design quality and integrates effectively with its surroundings and the character of the landscape setting.
14. I also find no conflict with Policy MKD3 of the Martley, Knightwick and Doddenham Neighbourhood Plan, which says that proposals should show clearly how the general character, scale, mass, and layout of the site, building or extension fits in with the 'grain' of the surrounding area, ensuring that building(s) height, scale, and form, including the roofline, do not disrupt the visual amenities of the street scene.

Highway Safety

15. The proposed live/work unit would be accessed off the B4197 via an existing access track, which already serves Tabwell Cottage. This existing access benefits from clear visibility in both directions on to the public highway.
16. Beyond its initial section which links to the B4197, the remainder of the existing access track is narrow and for most parts there is only sufficient room for a single vehicle to pass along it. This existing access track is made up of two main sections. The first runs west off the B4197, visibility along this section is good and this also incorporates a passing bay. The other section runs north to south towards Tabwell Cottage, along this section there are no passing bays but visibility is also good along most of this. Consequently, those using this access track generally have a good awareness of other users.
17. The proposed live/work unit would only incorporate a single bedroom. Therefore, I agree with the main parties that vehicle movements generated with this would be minimal. In addition, the type of uses permitted from the proposed business floorspace of the live/work unit are unlikely to generate any visits from members of the public.
18. Accordingly, because the proposal would largely use an existing access and is unlikely to result in any appreciable intensification of the use of this, the proposal does not raise any highway safety concerns. I, therefore, find no conflict with Policy SWDP 21 of the Development Plan, which amongst other things says that vehicular traffic from the development should be able to access the highway safely and the road network should have the capacity to accommodate the type and volume of traffic from the development.
19. The Council's second reason for refusal, also refers to Policy SWDP 4 of the Development Plan, this Policy largely relates to managing travel demand and providing alternative modes of travel and therefore is not directly relevant to highway safety.

Other Matters

20. The detached domestic garage/outbuilding serving Tabwell Cottage is grade II listed. This was a former henhouse and its significance is derived from its age and architecture. Its setting is confined to the immediate extent of Tabwell Cottage. The proposed live/work unit would be located over 200m to the east and is screened from the listed building by intervening boundary treatments. Therefore, given its scale, design and siting, the proposal would not have any adverse impact on the significance or setting of this listed building.

Conditions

21. I have had regard to the conditions put forward by the Council considering the requirements of the Planning Practice Guidance and the Framework. In addition to the standard timescale condition for the implementation of the planning permission, I have imposed a condition specifying the approved drawings in the interests of certainty.
22. To ensure that the proposal meets with the requirements of Policy SWDP 8 of the Development Plan and is retained as a live/work unit in the countryside and delivers appropriate employment opportunities. I have specified Condition 6. This

condition also requires that the proposed live/work unit only incorporates 1 bedroom. This is because I have accepted that the traffic generated by this would be limited in the interests of highway safety.

23. In the interests of ensuring a high-quality development and safeguarding the character and appearance of the area, I have imposed conditions requiring details of all external finishes, materials, boundary treatments and surfaces. A separate condition requiring details of finished floor levels is also necessary to safeguard the character and appearance of the area.
24. Whilst some landscaping details have been provided, for the reason already given and to ensure that the proposed landscaping enhances the character and quality of the area, I have specified a condition requiring a landscaping scheme and its implementation.
25. It is reasonable to impose conditions to secure a proportion of energy sources from renewable and/or low carbon measures, and to require an electric vehicle charging point to promote sustainable forms of development.
26. A condition relating to foul and surface water drainage is necessary to avoid local pollution and manage flood risk.
27. A condition for the provision of the proposed access and parking areas is necessary in the interests of the satisfactory functioning of the development and highway safety.
28. A condition requiring details of any external lighting is necessary to ensure that the proposal does not have an adverse effect on the character and appearance of the area and safeguards biodiversity.
29. Given that the appeal site is contained and separate from nearby dwellings and because of the modest scale of the proposal, it is not necessary for a condition specifying construction times.
30. Conditions (3 and 4) which prevent any development approved from commencing until they have been complied with, are considered fundamental to the development hereby approved. It is necessary for them to take the form of 'pre-commencement' conditions to have their intended effect. Where necessary and in the interests of clarity, flexibility and precision, I have altered the conditions to better reflect the relevant guidance.

Conclusion

31. For the above reasons, I conclude that the appeal should be allowed.

M Aqbal

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) Unless where required or allowed by other conditions attached to this permission, the development hereby permitted shall be carried out in accordance with the following plans: P2023_012/01 Location Plan, P2023_012/02 Site Plans, P2023_012/02 Block Plans, Front Elevation, Rear Elevation, LH Side Elevation, RH Side Elevation and Floor Plan.
- 3) No development shall take place until full details of all external materials (including colours and finishes) for the live/work unit, the driveway, parking and turning areas and boundary treatments have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floor of the proposed building, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 5) Before the development hereby permitted is first occupied, a landscaping scheme shall be submitted to and approved in writing by the local planning authority. The landscaping scheme shall include: (i) 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. (ii) 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 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.
- 6) (i) The business floorspace of the live/work unit hereby permitted shall be finished ready for occupation by the business use, before the residential floorspace is occupied and the residential use shall not precede the commencement of the business use.

(ii) The business floorspace of the live/work unit shall not be used for any purpose other than within Class E(g), E(g)(i) and E(g)(ii) of the Schedule to 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).

(iii) The residential element 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 the associated unit, a widow or widower of such a person, or any resident dependants.

(iv) There shall be no person solely or mainly employed in the business occupying the business floorspace of the associated unit other than habitants that occupy the residential floorspace of the live/work unit.

(v) The residential element of the live /work unit shall be ancillary with the floor space split at least 60% employment and 40% residential.

(vi) The residential accommodation within the live/work unit shall contain no more than a single bedroom.

(vii) The residential and workspaces shall be entirely separate with separate entrances and toilet facilities.

(viii) All units shall have access to superfast broadband or equivalent infrastructure.

- 7) The development hereby permitted shall not be first occupied until the proposed live/work unit has been fitted with an electric vehicle charging point. The charging point 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 point shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging point shall be of the same specification or a higher specification in terms of charging performance.
- 8) Notwithstanding the submitted information and prior to the first occupation of the development hereby permitted, details of renewable and/or low carbon energy generation measures shall be 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. The details to be submitted shall include:
- the overall predicted energy requirements of the approved development.
 - the predicted energy generation from the proposed renewable/low carbon energy measures; and
 - an implementation timetable for the proposed measures.
- The development shall be carried out in accordance with the approved details.
- 9) Prior to the first occupation of the development hereby permitted, the surface water and foul drainage shall be provided in accordance with the details set out in the submitted Water Management Statement by Woolliscroft Groundworks Limited, dated 7 June 2023. Thereafter, the approved water and foul drainage shall be maintained for the life of the development.
- 10) Prior to the first occupation of the development hereby permitted, the access and parking facilities shown on drawing: P2023_012/02 Site Plans shall be completed. Thereafter, these areas shall be always retained and kept available for their respective approved uses.

- 11) No external lighting shall be installed at the development site unless the details of this have been submitted to and approved in writing by the local planning authority.