



Appeal Decision

Site visit made on 19 November 2024

by B Astley-Serougi BA(Hons) LLM MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 February 2025

Appeal Ref: APP/H1840/W/24/3351754

The Geldings, Bouts Lane, Holberrow Green, Inkberrow, Worcestershire B96 6JX

- 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 Pendleton against the decision of Wychavon District Council.
 - The application Ref is W/24/00638/FUL.
 - 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 The Geldings, Bouts Lane, Holberrow Green, Inkberrow, Worcestershire B96 6JX in accordance with the terms of the application, Ref W/24/00638/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. The description of development on both the application and appeal forms references the term 'development'. This is not a form of development and I have removed words not in relation to acts of development.
3. The revised National Planning Policy Framework (the Framework) was published in December 2024. The parties have been provided with the opportunity to comment on the implications of the revisions to their cases. I have taken account of the revised Framework, and any comments made, in my determination of the appeal.

Main Issue

4. The main issue is whether the appeal site is a suitable location for the proposed development, having regard to local and national policy.

Reasons

5. The appeal site is currently an agricultural field located off the B4092 highway in Holberrow Green. The site is designated in the South Worcestershire Development Plan 2016 (SWDP) as open countryside. Near to the site are existing residential buildings as well as rural paraphernalia such as equestrian stables.
6. The SWDP strictly controls development in the open countryside and Policy SWDP2(c) outlines the types of development that would be supported. In particular the policy provides support for development if it is permitted by other policies within the SWDP as outlined in footnote 3. One of the aforementioned policies is Policy SWDP8(g) which establishes specific support

for live/work units subject to certain criterion. All of these relevant criterion are met by the proposed development.

7. The location of the development is isolated in nature and there would be a reliance upon a private vehicle to access larger settlements such as Inkberrow, Astwood Bank and Redditch for services and facilities. However, in the reasoned justification of SWDP8 it is highlighted that live/work arrangements are dispersed throughout the rural areas and that they can provide sustainability benefits particularly in the more rural parts of South Worcestershire. For example, the diversification of the local economy to create wider employment and therefore be less vulnerable to international and national economic changes. Consequently, the proposal would contribute to the overall aim of the policy regarding the diversification of the local economy and therefore its location is suitable for a live/work unit.
8. Moreover, Policy SWDP4 seeks to ensure, amongst other things, that developments minimise demand for travel as well as provide genuine sustainable travel choices. The proposal consists of one bedroom and consequently is unlikely to provide family accommodation. Therefore, it follows that it is likely that the development would not generate significant vehicle trips. In fact, the proposed live/work unit could result in there being a decrease of daily trips in the area, because it would offer the opportunity for person(s) to live and work in the same building, as opposed to commuting to an office. Overall, it would therefore minimise the demand for travel.
9. The proposal would also include 6 bicycle parking racks. The appellant does not provide specific information regarding the type of business or end-user of the appeal scheme. However, this does not result in an inability to ascertain whether the bicycle parking rack is a genuine sustainable travel choice for future occupants. The larger settlement of Inkberrow would be within a reasonable cycling distance and the future occupants would likely use either the A422 or B4092. Both of which are busy roads with some tight corners. Consequently, there could still be, to some degree, a level of reliance upon a private motor vehicle to access other larger settlements given the hazardous routes and distances. Nevertheless, the provision of a bicycle rack would offer a genuine sustainable travel choice.
10. In conclusion, given the above, the appeal site is a suitable location for the proposed development and complies with Policy SWDP2 insofar as it seeks to provide support for employment development including in rural areas. Additionally, the proposal complies with Policy SWDP4 by minimising demand for travel as well as providing genuine sustainable travel choices.

Other Matters

11. Interested parties, including Inkberrow Parish Council have raised several concerns. In addition to those points that have been dealt with above, the Council has not indicated that the appeal site is located within the green belt and there is no evidence before me to suggest otherwise. Additionally, the Council and the Highway Authority have not raised any concerns regarding the possible effect of the development on the highway network, including an increase of traffic. I find no reason to disagree with them on these matters.

12. Regarding the possibility of further development on the appeal site or that the development could change its purpose at a later date, any further development would require a separate planning application.
13. The Council has not raised concerns regarding privacy of neighbouring properties. The proposed development would be of a sufficient distance from neighbouring properties and therefore would not result in an adverse impact upon their privacy.
14. Cadent Gas have submitted an objection to the appeal scheme stating it has the potential to impact its gas apparatus. There has been limited guidance from the Council regarding this objection and it has not been referred to in the decision notice. If built out, the proposal would need to comply with the relevant policy and guidance with regard to gas apparatus. Consequently, this would be a matter between Cadent Gas and the appellant.

Conditions

15. The Council has provided a list of suggested conditions which I have considered against the Framework and advice contained in Planning Practice Guidance. I have ensured both parties have had the chance to comment on the proposed conditions and I have had regard to any comments made. I have amended the wording of suggested conditions for clarity and to ensure accordance with the tests set out in paragraph 57 of the Framework.
16. In addition to the standard time limit condition (1), I have attached a condition specifying the approved plans to provide certainty (2).
17. Conditions regarding the external materials of the development (3) and the submission of details regarding boundary treatments (6) are necessary to prevent any erosion of the areas character. I have imposed condition 3 to comply with Policy 21 of the SWDP. Consequently, it is not necessary or proportionate to remove permitted development rights with regard to boundary treatment, especially given the appeal site is not located in a national landscape.
18. Given the nature of the proposal and the brief water management statement, I consider the submission of details to the Council to be necessary regarding a sustainable urban drainage system in order to ensure adequate mitigation against flooding (4). I have not included a condition relating to foul water because this is not a material planning consideration.
19. I have imposed a condition regarding the provision of the work floorspace and timetable of occupation (5), the removal of use class order rights (12), the restriction of who can reside in the live/work unit (13), a restriction ensuring the development cannot be sold, let or sublet separately from each other (14) to ensure clarity and that the development provides an appropriate live/work unit. However, I have not imposed a condition requested by the Council regarding details of occupation of the work unit to be sent to the Council. There is limited justification for the condition. Consequently, it would be unnecessary and unreasonable and thus not meet the tests in paragraph 57 of the Framework.
20. In the interests of highway safety, I have imposed conditions requiring the surface of the access to the development to be surfaced in a bound material as

well as the approved details regarding access, parking and turning are provided prior to the first occupation of the unit (7 and 8).

21. It is necessary to impose a condition requiring the submission of superfast broadband details or alternative solutions to ensure the development would provide satisfactory telecommunication facilities, and in accordance with Policy SWDP8 (9).
22. There is limited detail in the submitted energy statement. I have therefore imposed a condition requiring the submission of renewable and low carbon energy details to the Council to ensure the development contributes to the reduction of carbon emissions (10).
23. A condition restricting the hours of construction and deliveries is necessary to ensure the living conditions of neighbouring occupants are not significantly affected (15).
24. Finally, given the requirement of Policy SWDP4, I have imposed a condition requiring the provision of the bicycle parking racks to ensure the development provides genuine sustainable travel choices (11)

Conclusion

25. As set out above, the proposal complies with the development plan. The material considerations do not indicate that a decision should be made other than in accordance with the development plan. For the reasons given above the appeal should be allowed.

B Astley-Serougi

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing no 4317_001 Rev B (site plan, proposed floor and elevations plan).

Above Ground Level

- 3) No development above ground level shall take place until details of all external facing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved sample details.

Pre-occupation

- 4) Prior to the first occupation of the development hereby permitted full details of all surface water drainage systems to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The approved sustainable drainage systems for the site shall be completed in accordance with the approved details and shall be retained thereafter.
- 5) Prior to the first occupation of the residential element of the development hereby permitted the work element of the live/work unit as shown on drawing no 4317_001 Rev B shall be finished ready for occupation and the residential use shall not precede the commencement of the business use.
- 6) Prior to the first occupation of the development hereby permitted details of the positions, height, design, materials and type of boundary treatment to be erected shall be submitted to and approved by the local planning authority. The boundary treatment shall be completed as in accordance with the approved details before the building is occupied.
- 7) Prior to the first occupation of the development hereby permitted the access, parking and turning facilities shall be provided in accordance with drawing no 4317-001 Rev B and retained as such thereafter.
- 8) Prior to the first occupation of the development hereby permitted the first five metres of the access into the development, measured from the edge of the carriageway shall be surfaced in a bound material and retained as such thereafter.
- 9) Prior to the first occupation of the development hereby permitted details of superfast broadband facilities or alternative solutions to serve the development shall be first submitted to and approved in writing by the Local Planning Authority. The submitted details shall include an implementation programme. The facilities shall be provided in accordance with the approved details and programme.
- 10) 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;
- an implementation timetable for the proposed measures.

The development shall be carried out in accordance with the approved details.

- 11) Prior to the first occupation of the development hereby permitted the 6 bicycle parking racks shall be provided in accordance with drawing no 4317-001 Rev B and retained as such thereafter.

Post-occupation

- 12) The business or 'work' floorspace of the development hereby permitted shall be used for any of Use Class E(g)(i) offices, E(g)(ii) research and development or E(g)(iii) industrial processes only and for no other purpose (including any other purpose in Class C or 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).
- 13) The residential floorspace of the development 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 partner of such a person, a widow or widower of such a person, or any resident dependents (dependents are defined as parents, grandparents, children, or grandchildren).
- 14) The residential and work floorspace areas of the development hereby permitted shall not be sold, let, or sublet separately from each other.
- 15) Construction work and deliveries to and from the site in connection with the development hereby permitted shall take place only between 08:00 to 18:00 on Monday to Friday and 08:00 to 13:00 on a Saturday and shall not take place at any time on Sundays or on Bank or Public Holidays.

=====END OF SCHEDULE=====